doing, it is not doing enough; and its own advisers have already told the Government that! The Premier objects to the purpose of this motion because it is telling him over and over again something that has been told to him before, but the purpose of it is to emphasise the seriousness of this problem and the absolute necessity for stronger and quicker action. If the motion achieves that then the effort we put into it will be justified.

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

Ayes—22

Mr. Bateman	Mr. Jones
Mr. Bertram	Mr. Lapham
Mr. Brady	Mr. May
Mr. Burke	Mr. McIver
Mr. H. D. Evans	Mr. Moir
Mr. T. D. Evans	Mr. Norton
Mr. Fletcher	Mr. Sewell
Mr. Graham	Mr. Taylor
Mr. Hall	Mr. Toms
Mr. Harman	Mr. Tonkin
Mr. Jamieson	Mr. Davies
	(Teller)

Noes—25

Mr. Bovell	Mr. McPharlin
Mr. Brand	Mr. Mensaros
Mr. Burt	Mr. Nalder
Mr. Cash	Mr. O'Connor
Mr. Court	Mr. O'Neil
Mr. Craig	Mr. Ridge
Mr. Dunn	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Stewart
Dr. Henn	Mr. Williams
Mr. Hutchinson	Mr. Young
Mr. Kitney	Mr. I. W. Manning
Mr. Lewis	*(Teller)*

Question thus negatived.

Motion defeated.

BILLS (5): COUNCIL'S MESSAGES

Messages from the Council received and read notifying that it had agreed to the amendments made by the Assembly to the following Bills:—

1. Offenders Probation and Parole Act Amendment Bill.
2. Fisheries Act Amendment Bill.
3. Criminal Code Amendment Bill.
4. Administration Act Amendment Bill.
5. Dividing Fences Act Amendment Bill.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough — Premier) [1.32 a.m.]: I move—

That the House at its rising adjourn until 11 a.m. today (Thursday).

I would like to point out to the House that we will not be having afternoon tea today, but we hope to adjourn at 4 p.m.

Question put and passed.

House adjourned at 1.33 a.m. (Thursday).

Legislative Council

Thursday, the 3rd April, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11 a.m., and read prayers.

QUESTIONS (5): ON NOTICE

MUTTON AND LAMB PRICES

Report of Committee

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

   Will the Minister inform the House what action the Government intends to take in regard to the report which was tabled on Tuesday, the 1st April, 1969, of the committee which inquired into the prices of mutton and lamb?

   The Hon. A. F. GRIFFITH replied:

   (1) Discussions will take place with the industry with a view to ascertaining ways and means of overcoming yardings of excessive numbers of sheep and lambs causing glut conditions.

   (2) The Government is already reviewing the situation at Robb Jetty with the objective of providing increased killing facilities.

   (3) The Midland Junction Abattoir Board is actively engaged in taking steps designed to increase throughput.

   (4) Under the five-year plan previously agreed to by the Midland Junction Abattoir Board, and since increased numbers of slaughter stock have been available, the the board has been progressively increasing the facilities to cope with these increases. Not only slaughtering, but other ancillary requirements have been met.

   (5) Active interest by the Government in encouraging the development of overseas sales of meat and livestock has already improved the export market position. New markets have been established and this policy pursued.

2. to 4. *These questions were postponed.*

SHEEP STEALING

Records at Country Police Stations

5. The Hon. N. E. BAXTER (for The Hon. E. C. House) asked the Minister for Justice:

   (1) Are records kept at country police stations of reports concerning sheep stealing?

   (2) Are these reports referred to the Perth C.I.B. for investigation?

(3) If the answer to (2) is "Yes," is a complete record of districts, owners, and numbers reported missing, tabulated for reference?

The Hon. A. F. GRIFFITH replied:

(1) Yes, so far as their own districts are concerned.

(2) All reports of sheep stealing are recorded in the C.I.B., but not all are investigated by that branch, some investigations being completed by the local police.

(3) All stock stealing reports are recorded but not separately tabulated. Statistics would be available at a reasonable notice.

MECKERING DISASTER

Inadequacy of Relief: Motion

THE HON. N. E. BAXTER (Central) [11.10 a.m.]: I move—

> That in the opinion of this House, the contributions by the State and Federal Governments to provide relief to the people of the State, particularly Meckering and surrounding districts, for losses suffered as a result of the earthquake disaster which occurred on the 14th October, 1968, were totally inadequate, and requests both Governments to reconsider the problem and make further greater contributions; futhermore, this House registers its disapproval of the assessment, allocation and distribution of the Lord Mayor's Relief Fund.

At the outset I would like to take this opportunity to express my appreciation of the actions of the Minister for Mines and the Premier in making available a copy of the case presented to the Federal Government. They were kind enough to lay this on the Table of the House.

As we all know, this unprecedented event—the earthquake—occurred on the 14th October last; it was certainly an event unprecedented in the history of Australia. The earthquake we experienced was very severe in its intensity and some of us felt its effects in our own homes and others in places where they happened to be.

This is something which the geophysicists may perhaps have been able to predict as a possible occurrence in Western Australia, but so far as the general public was concerned it was entirely unexpected. In the case of wars we often hear it said: it cannot happen here. But this earthquake disaster certainly did happen here.

It is, perhaps, unfortunate that up till about 10 years ago it was not possible for people to secure insurance cover against earthquake disasters. This cover was introduced a good deal later. In many cases, however, policies were taken out before it was possible to secure insurance cover against earthquakes and, as a result, the people who own some of the older houses—and this applies around Meckering and in other parts of the State—did not have in their policies a provision which included earthquake cover; so they were not entitled to any benefit in the event of such a disaster.

It is not fair, of course, to blame the people who were unable to secure this cover; it was no fault of theirs that no provision was made to cover such an event. I say this because when the Prime Minister replied to the case presented by the Premier for national assistance he said that the Federal Government could not fill the role of insurer for the people. There is little doubt that such a statement indicated a lack of understanding of a situation where no earthquake cover was possible—I have already explained that in the case of the older homes the insurance policies taken out at the time did not include such cover.

As we all know, insurance representatives move around and arrange for policies to be taken out and, after the insurer has taken out such a policy, he normally files it away somewhere until such time as it is necessary for him to renew that policy. He certainly never thinks of taking out additional cover. In recent years most people have taken out policies which insure them against fire, storm, and tempest, and that is normally the limit of their cover.

In later years, however, when provision was made to include cover for such disasters as earthquakes, most people were able to take advantage of this provision. These are the fortunate people. We have, however, to think of the unfortunate people who were not covered in the event of such a disaster; those in the lower income bracket with mediocre homes which, while not of great intrinsic value, are of great value to them as a home, particularly from the replacement point of view. It is these people who have found it difficult to rehabilitate themselves by building new homes. It is here that we find the sting, and we must show such people every consideration. All of us, quite apart from those members of the public whose homes were damaged, feel that the greatest assistance possible should have been made available.

I have here a letter from the secretary of the local committee which was formed at Meckering under the direction of Mr. Gabbedy, who was appointed Chairman of the Lord Mayor's Relief Fund. The secretary of the local committee (Mr. Partridge) expressed his feelings in a letter in relation to the inadequate assistance that was given to those who suffered as a result of the earthquake.

I will not read the entire letter because it contains a few items which do not relate to the motion before the House. The second paragraph of this letter, which was written on the 17th January, 1969, reads as follows:—

> The lack of assistance given us here by our Federal friends together with the failure of our State Government to fully honour the pledges given us by Messrs. Brand and Gabbedy leaves me with the feeling that a lot of the time, effort and expense given by members of the local committee has been greatly negatived, if not wasted. I may be hasty in this judgment and I only hope a sudden change of heart in the right places proves I have been.

Mr. Partridge was fair enough to say he may have been hasty in his judgment, and adds that he hopes he has been. The thoughts he has expressed in the matter are in line with the feeling of a great number of people, not only in the disaster area and other areas affected by the quake but of members of the public generally.

It is for this reason that I have moved the motion before the House. It is not intended to castigate either the State or the Federal Government; it merely seeks to point out certain facts in an endeavour to impress upon those Governments the need to reconsider the matter of assistance that can be given and to suggest that perhaps the State and Federal Governments could have been a little more generous in their endeavours to rehabilitate the people who have suffered so much as a result of the disaster.

Let us look at the facts. The damage caused to the State as a result of the disaster is estimated at about $2,000,000. The public of Western Australia, and possibly some people from other States, donated between $400,000 and $500,000. That amount could be inclusive of money in the fund and that previously donated. One could say that the public generally had donated to the Lord Mayor's Relief Fund very close to $500,000.

Very shortly after the earthquake the Premier made a donation from the Treasury to the Lord Mayor's fund of $50,000, and he stated this in the case which he presented to the Prime Minister asking for a similar amount from the Federal Government. The Prime Minister agreed to donate a similar amount to the Lord Mayor's Relief Fund and this was done very expeditiously.

This meant that $100,000 had been donated by the State and Federal Governments which, I am sure members will agree, is certainly a very poor amount to subscribe for a disaster of this nature.

The case put by the Premier to the Federal Treasurer and the Prime Minister was a very good one. I have gone through the file and one cannot fault the case the Premier made out. The first plea he made to the Prime Minister was on the 16th October, two days after the earthquake, and it was a very good one indeed.

I do not wish to read all the correspondence relating to this matter, but if any member wishes to look at the file he may do so, because copies which indicate just what has been done have been laid on the Table of the House.

The Prime Minister then advised he would agree to $50,000, and this was forwarded very shortly afterwards. The letter was written on the 18th October by the Secretary of the Prime Minister's Department and the cheque was forwarded. Then the Premier took up the matter of Army huts at Northam. The Prime Minister graciously agreed that these could be used free of cost to the State and to the people. However, there was one unfortunate aspect in that when the Premier received this advice he made a statement which appeared in the Press. I trust it was correct. We make allowances for the Press because sometimes it is not quite on the ball, but as this statement appeared in *The West Australian* and, to my knowledge, in the *Farmers' Weekly*, I think the statement was correct.

The statement made in respect of these Army huts was to the effect that they would be landed on the properties free of charge. In addition, according to this file the Premier has stated that the cost of transport and re-erection would be met by the State or from appeal funds. There has been quite a lot of feeling about the statement that was made because the huts were landed on the properties of the people concerned prior to their knowing they would have to pay $500 for them. After a statement was made in the Press that the huts would be landed on the properties free of cost, an announcement was made by Mr. Gabbedy that $500 would be deducted from any sum received from the Lord Mayor's fund.

In my estimation that is fair enough, but the bad part is that a statement was made that the huts would be landed on the properties free of charge. This caused quite a lot of bad feeling.

Another matter that caused a lot of ill-feeling among people of the State, and particularly those in Meckering and the surrounding districts, was a statement by the Premier when he made the contribution to the Lord Mayor's Relief Fund, that this was an initial amount. This led people to believe that the State Government was prepared to come in with an additional large sum of money to assist in rehabilitation; and left the impression that the Premier felt the Commonwealth Government would also come to the party with quite reasonable sums of money

for the rehabilitation of the people who suffered loss. Unfortunately, this has not occurred.

I have already spoken about the case put up to the Prime Minister by our Premier. On the 27th November, after the assessment of the damage was practically completed, a case was put up to the Prime Minister pointing out that the assessment had been carried out and stating how many applications had been received. At that time the number was 874, but at a later stage, when final figures were advised, the number was 914, the amount being $2,624,158.

The Premier set out a programme of what he thought should be the basis of granting assistance. He also advised the Prime Minister of the basis of granting assistance by the Lord Mayor's appeal fund committee. In addition to this, he even gave the details of the rebuilding of residences, replacement of farm and other buildings, business re-establishment, and restoration of the assets of non-profit organisations. I have no bone to pick with the case that was forwarded by our Premier and presented to the Prime Minister as it was an excellent one.

On the 10th December a letter was forwarded from the Treasury Department over the signature of the Under Treasurer to Sir Richard Randall, Secretary to the Treasury, Canberra, setting out details of remedial measures required following the earthquake. These measures were well set out and presented a good case for an appeal to the Prime Minister.

I think the Prime Minister took quite a time to reply, having regard to the circumstances. It must be remembered that the original appeal from our Premier, as I have already said, was sent on the 27th November, and the letter to Sir Richard Randall was forwarded on the 10th December. It is not as though the Prime Minister was not forewarned that an appeal for assistance would be presented to him. However, it was not until the 23rd December that the Prime Minister wrote to the Premier in reply.

This letter was apparently delayed, because according to the date stamp on the letter, it was not received by the Premier's Department until the 3rd January. At the time, I thought that was rather strange because I had written to the Premier on the 20th December, asking if he would consider arranging a meeting of himself, members of the Cabinet subcommittee, three members of the local committee, and the three parliamentary representatives for the area: you, Sir, Mr. McIver, and myself.

The reply, with which I was not happy, was received on the 30th December. I thought at least the Premier could have met these people, because they felt they had not been treated very well. After receiving this letter I felt rather disgusted, so I sent a telegram to The Hon. John McEwen asking if he would expedite the Prime Minister's reply as there did not seem to be any movement. Several days later he sent a telegram back stating that he had been away. It was a long wire advising that the Prime Minister had written on the 23rd December.

On the 3rd January, a statement by the Premier was published in the newspaper briefly setting out the essence of the Prime Minister's reply. I felt there had been some undue delay this end, but according to the date stamp as to when the reply was received at the Premier's Department—the 3rd January—it appears there was a period of some 11 days from the time the letter was written until it arrived at the Premier's office.

It made me wonder why there had been such a long delay in replying to the letter. The Prime Minister also referred to the delay and surely, in a matter of this nature, he must have known it was urgent to the people concerned and it should not have taken 13 days to reply to the letter. The Prime Minister, perhaps to ease himself out of the situation, stated that it was not in accordance with the policy of the Federal Government to grant assistance to States where there was a natural disaster.

One cannot feel happy when delays of this nature occur in matters which are urgent. Perhaps the money could not have been used immediately but it would have made the people who had suffered feel better to know that they would get some help and some sympathy. Members can imagine the state of the people as I saw them when I visited Meckering on the night of the disaster. They were completely stunned. This matter dragged on from the 14th October until the 3rd January, when news came, through the Premier's statement, that the Federal Government was not prepared to come to the party, as it were, with any substantial amount to help the people rehabilitate themselves and rebuild their homes and properties.

I think we would all be in the same position, on receiving that news, and would feel that we were left and that nobody cared anything about us. That was the feeling of the people in the district I represent. One cannot help but feel that the attitude of the Federal Government has been a very poor one. I believe that had the Federal Government contributed a substantial amount our Treasurer would have tried to match, as near as possible, that figure out of State funds. I feel this would have been his bounden duty if the Federal Government had found the money.

The Premier, in the case he presented, also requested loan money on a reasonably long term. This was also refused by the Federal Government and it was suggested that the people should find the finance

themselves. We all know how difficult it is to obtain loans of this nature unless one has assets. There is also the problem of repayment over a period of years, and the bigger problem of the payment of interest over the years. People in the lower income bracket—particularly people in this area where the homes are very modest, and some less than modest—could not afford to meet repayments of this nature.

In some cases, the people were still paying for their homes and they would have a double liability to meet. That is an unfortunate part of the situation. Generally, the farming community, where homes were damaged or had fallen down, could weather the storm. They could get finance. However, the other people find it difficult to scratch around and get finance to build new homes. Some of the very good homes had been built in latter years and were close to the main shopping centre. The owners saw those homes crash down around their ears, and there was no insurance cover. Those people face the problem of borrowing money to rebuild their homes, and also the problem of whether or not they should rebuild on the same site or in some other place because of the danger of further tremors or earthquakes.

The Hon. A. F. Griffith: How broad was the area of the earthquake damage over the State?

The Hon. N. E. BAXTER: As far as I can gather it extended from around the Gnowangerup area right through to Nungarin and Wagin.

The Hon. A. F. Griffith: Back as far as Northam?

The Hon. N. E. BAXTER: Yes, as far as Northam. I do not think there was very much damage between Northam and Perth; just a little bit of damage here and there.

The Hon. A. F. Griffith: What about the metropolitan area?

The Hon. N. E. BAXTER: Yes, there was damage in the metropolitan area.

The Hon. A. F. Griffith: What is your attitude towards the damage that occurred over that broad area.

The Hon. N. E. BAXTER: The attitude expressed in the motion—that more assistance should have been made available. It is all very well for people to say that the houses should have been covered by insurance. However, as I explained earlier, many of the policies were taken out years ago and perhaps it was an oversight, or perhaps people thought that it could not happen here, and did not bother about it. I should imagine that most of the city premises built in recent years would have been covered for earthquake damage.

The Hon. A. F. Griffith: I understand the damage in the metropolitan area, alone, ran into a couple of million dollars.

The Hon. N. E. BAXTER: I agree. It ran into quite a substantial sum. However, my plea in this motion is for those people who can ill afford to rehabilitate themselves. A sum of $3,000 is not very much to a person whose home has fallen down.

The Hon. A. F. Griffith: You mentioned people with substantial homes. Do you think they should get some help?

The Hon. N. E. BAXTER: I will come to that later when speaking to the part of my motion dealing with the Lord Mayor's Relief Fund. I am making this plea because I feel that a considerable effort should be made to impress the Prime Minister, in particular, and to make him realise that this disaster was something unprecedented. It was something which the people were unprepared for and it is a situation in which a little bit of human feeling and kindness should be shown. This was the case with regard to the Tasmanian bushfire disaster; the Federal Government should forget policy.

However, it should be clearly established that in future cases—and this earthquake has highlighted in Australia the necessity to take up all the insurance cover available under insurance policies—anything that can be insured against cannot be assisted under future policy. I do not think this policy was ever made clear in the previous cases of disaster, such as droughts and bushfires which have occurred in Australia. If this policy applied previously I did not know anything about it, and I do not think individual people knew anything of the Federal policy. The policy was forgotten in the case of the Tasmanian bushfires to the tune of a considerable sum of money, running into millions of dollars.

The policy adopted on that occasion gave people reason to believe that they would be assisted in a case like the Meckering disaster, which was the worst in Australian history. I believe that a tremor occurred in South Australia at one time but I do not think it was to the same extent as the earthquake experienced in Western Australia.

I make this appeal through my motion for reconsideration by the State and Federal Governments of their contributions. This is not a censure motion on the Government; I am asking the Government to reconsider the case and do everything possible to assist the people who cannot afford to rehabilitate themselves.

I now come to the latter part of the motion dealing with the decisions regarding the allocations from and distribution of the Lord Mayor's Relief Fund. At the outset, Mr. Gabbedy came to Meckering on the 15th October, the same day that the Premier visited the town, and spoke to the people in the Meckering show ground building. He suggested that the people form a local committee, which was done.

I have mentioned that Fred Partridge was the secretary of the committee. The committee did a sterling job against great odds. It feit that before anything was done perhaps some consultation would be held with the local committee as to how the money should be distributed because the local committee knew the local scene. It knew what was what and it knew which people would be able to stand the impact of the earthquake, and those who could not.

However, no consultation was held with the local committee. The committee administering the Lord Mayor's fund made a decision to give to the people whose homes had fallen down the sum of $3,000, irrespective of whether the homes were insured or not. The assistance ranged down. I feel that this decision, made at the time it was, and well before we had received any assurance from the Prime Minister as to whether or not he was prepared to grant or lend any more money to Western Australia for the purposes of covering this damage, should not have been made. It was made well before the facts were known about the total amount of money which would be made available to complete the rehabilitation.

It has been said that people were clamouring for some money to rehabilitate themselves. Perhaps some needed money for clothing or furniture, or something like that. However, in the majority of cases the people were not in a very bad position in that regard but some had to buy new clothes because their good clothes had been ruined. I understand this was not a very big problem or a very costly one. Most of the furniture was salvaged from the fallen buildings, but some of it was smashed about. At this stage the furniture was not an urgent matter because it was stored in sheds in Meckering. It was not urgent to distribute very much of the Lord Mayor's Relief Fund, particularly for rebuilding. No-one was going to rebuild in a hurry because the people did not know whether or not there would be another earthquake. The people whose homes were cracked were not game to live in them, but lived in sheds and garages because the tremors were still occurring.

The people are rebuilding now but at the time the committee reached a decision on the allocation and distribution of the Lord Mayor's fund no-one was prepared to rebuild. No final decision had been made on the site for the rebuilding of the town of Meckering. That decision was not finalised for several months. So I say there was no urgency to reach a decision as to how this money should be allocated and distributed.

Now we get to the assessments that were made throughout what was considered to be the earthquake area. This work was done by assessors from the Public Works Department, I understand, but I am of the opinion that perhaps it was not the fault of the assessors that anomalies occurred. I know of a case where one assessor was assessing a particular area around Meckering and he worked day in and day out for a fortnight and did not even have the opportunity to get home to his wife and family. He was going from farm to farm carrying out assessing work and at the end of a fortnight he came to one farm and he said to the farmer, "I have not been home for a fortnight. I am fed up and I've had it." So he did a cursory assessment of the property and away he went.

I do not suppose one could blame him, but I believe in these circumstances perhaps not enough attention was given to the question of assessment. The work could have been carried out by a greater number of persons so that it could have been done in a more thorough manner, and this probably would have resulted in fewer problems afterwards. However, the system that was adopted resulted in a number of anomalies of which I am aware, and possibly there are many more. I will quote some of the cases concerned without giving the names because I do not want to bring names into the debate.

Firstly, I will quote an instance concerning farmer A and farmer B, who are farming in the Meckering district. The same assessor did the assessments for both properties and spent, I understand, quite a deal of time on the first property and had a cursory glance at, and a walk-around inspection of the second one. The ultimate result was that farmer A received $1,750 and farmer B $220. That may seem quite logical, but a builder who was engaged to do the repairs on these properties inspected both of them and, after agreeing to do the work for a certain figure, stated in front of both farmers, without being asked, that his estimate was that there was only a 10 per cent. to 15 per cent. difference in the damage in both cases.

That man was an experienced builder and he carried out repairs on the home of farmer B, who had received $220 as compensation, and he did not carry out repairs on the house of farmer A, and the actual repair cost in the case of B was $960. In my view that was a fairly reasonable figure because I saw the damage that was done to the house and for a sum of $960 the builder did a particularly good job, and quite an inexpensive one.

This is the sort of thing that gets people's backs up. They do not bear any ill-will to farmer A, who received $1,750. They say, "Good luck to him."

The Hon. A. F. Griffith: What was his disbursement? How much money did he have to disburse to get his $1,750?

The Hon. N. E. BAXTER: I do not know what figure was eventually arrived at regarding the repairs to the property, but what I am stating can be verified: the builder said that his assessment of the

difference in the damage between the two houses was between 10 per cent. and 15 per cent. He was an experienced builder and he would have a very good idea.

The Hon. A. F. Griffith: It gives the impression that the man who got $1,750 did not spend that much to have his property repaired.

The Hon. N. E. BAXTER: I do not know what was spent, but the assessment as regards the difference in the damage was made by an experienced builder—a man who would know.

The Hon. A. F. Griffith: I think you would be fairer if you made a comparison between the two, otherwise why mention the two cases?

The Hon. N. E. BAXTER: I am making the statement that a builder who inspected both the properties said in front of both farmers, without being asked by them, that in his opinion the difference in damage was only between 10 per cent. and 15 per cent. He would know what he was talking about because he is in the building game and if he did not know who else would? He does this sort of thing; that is his work.

I know of another case, and this too can be substantiated, of a gentleman who went to Meckering to work around the district, doing shearing and so on, and he bought an old residence. He and his wife purchased this home in Meckering for $700 and I think this is a glaring case, although I bear no illwill towards the man who received the figure I am about to quote in recompense for his house. As I said, these people paid $700 for what was not a modern home, in Meckering, and to his delight, I might say, the assessment in his case was $1,600. In other words, he was paid $1,600 and he is not now living in Meckering. He bought a home in Perth.

The Hon. F. R. H. Lavery: You could not pay for the pickets for a home in Perth for that much.

The Hon. N. E. BAXTER: If that is not a glaring case I do not know what is. There is something particularly wrong somewhere and I cannot see how the assessors could have arrived at a figure like that. They must have asked questions regarding how much the house cost.

The Hon. I. G. Medcalf: You believe he was overpaid?

The Hon. N. E. BAXTER: He said that it would do him, and if he could do that sort of thing time and time again he would be quite happy.

The Hon. I. G. Medcalf: But that is not what you are complaining about.

The Hon. N. E. BAXTER: I am not complaining about his being overpaid; I am complaining about the assessment in cases such as that.

I also know of another case concerning a farmer who lives some distance from Meckering. He is a very wealthy man and he applied for assistance and received $450. This man would live between 60 and 70 miles from Meckering and he made the statement to friends that this would do him because it would help to pay for his trip to Singapore.

That is the sort of thing that causes illfeeling between people. There was another case of a farmer whose house was completely wrecked but it was insured for a substantial sum. However, he was given an allocation of $3,000 and he said to the local chaps, "This'll do me. I will have a good holiday," and so he went to the Eastern States for five weeks. Is that the intention in regard to disbursements from the Lord Mayor's fund? To provide money for people to have holidays!

The Hon. A. F. Griffith: You are spoiling your own motion.

The Hon. N. E. BAXTER: No, I am not.

The Hon. A. F. Griffith: I think you are.

The Hon. N. E. BAXTER: I do not care how they spend the money, but what I am submitting is that premature decisions were made on the disbursements from the fund, and some of the disbursements were absolutely wrong.

The Hon. F. J. S. Wise: Has the list of disbursements been made public yet?

The Hon. N. E. BAXTER: Not to my knowledge, although the Minister may know. I have not seen a copy of it although the Minister may be able to say whether or not it has been published.

The Hon. L. A. Logan: A list of those who contributed has been made public.

The Hon. N. E. BAXTER: Not in one list—in bits and pieces.

The Hon. F. J. S. Wise: I mean a list of disbursements from the fund.

The Hon. N. E. BAXTER: I am not concerned with that angle; but I believe some illfeeling has been caused over what has been done. Also there is a certain amount of feeling among people who contributed to the fund. Some of them say they would not have contributed to it had they known it was to be administered in the way it has been.

The Hon. V. J. Ferry: You are not helping any future funds.

The Hon. N. E. BAXTER: What I have said is undeniable. A number of people in a substantial way have said to me that they would not have contributed to the fund had they known the money was to be distributed in the manner in which it has been distributed.

I am speaking in this way to make sure that in future when funds of a like nature are built up by contributions from the public everything possible is done to ensure that the distribution is made in such a manner that it does not arouse the ire of the people who are receiving benefits from them or of those who have contributed

to them. Nothing can be done about the distribution in this case; it is too late. The decision has been made and statements were made that the money would be distributed in a certain way. However, let us look to the future; because there is no doubt that we will need funds for some other disasters in the future, whatever those disasters may be, or wherever they may occur.

Let us learn from our mistakes so that we do not make the same ones in the future, and so that disbursements from future funds will be made in such a manner that they do not create illfeeling or disappointment among people and do not arouse the ire of those concerned.

The Hon. F. R. H. Lavery: Would you say that had the State Government made a bigger contribution the Commonwealth Government, too, would have made a bigger contribution?

The Hon. N. E. BAXTER: I do not think so. The Premier made an initial contribution on behalf of the State, of $50,000 to the Lord Mayor's fund; but other expenses have been incurred by the State Government. I think the Premier might have made a greater contribution had the Commonwealth Government come to the party. It may do so yet but I do not know any of the inner workings of the Treasury. That is the Treasury's business, but in a letter I received from the Premier, in reply to a request I made for a deputation to him, he more or less said, I think, that I could keep my nose out of it and that Cabinet would look after the matter.

That is how I feel about the whole thing and I have moved the motion, firstly, to try to get some reconsideration of the case for assistance which has been put by the State to the Commonwealth Government. Secondly, I moved the motion to try to ensure that in future when funds such as the Lord Mayor's fund are created, greater care will be taken to make sure that assessments and disbursements from those funds do not create problems or illfeeling among all concerned.

THE HON. H. C. STRICKLAND (North) [11.47 a.m.]: I just wish to speak briefly to the motion but I do not intend to support it for the simple reason that I believe it would be difficult indeed for those responsible for the disbursements from the Lord Mayor's fund to arrive at a satisfactory amount of recompense to all those affected by the earthquake.

I know of only one case. As members know, I am not a country member, but a case was brought to me which concerned a working family who lived in the town. These people asked me to look into the matter of compensation for two houses they owned and which were completely destroyed. These two houses were in the joint names of the husband and wife, but they were compensated for only one house. The compensation was $3,000 and I was told, on inquiry, that although they owned two houses they would be compensated for only one.

As Mr. Baxter has just told us, properties in that area are not valued very highly and I should imagine the compensation for one house in this instance would have covered, perhaps, the cost of both houses involved. However, on the other hand, being a working man with a family, he could not afford to hang around in the shambles of Meckering. He had to look elsewhere for work and he moved to the metropolitan area.

[*Resolved: That motions be continued.*]

The Hon. H. C. STRICKLAND: In this case, when the family moved to the metropolitan area so that the breadwinner could obtain employment, it was found that $3,500 did not go very far towards purchasing another house, and that was why the family approached me. Nevertheless, I thought it was rather strange when I learnt from Press reports that the maximum compensation to be paid for each property destroyed by the earthquake would be $3,500, and in the event of two houses being destroyed compensation would be granted for only one. I am not arguing about the fact that properties in the country are generally of lesser value than those in the metropolitan area. I merely draw attention to this fact and I repeat that I do not intend to support the motion, because it would be very difficult to assess an equitable amount of compensation in each case.

Debate adjourned, on motion by The Hon. A. F. Griffith (Minister for Mines).

STANDING ORDER 214

Implementation

THE PRESIDENT (The Hon. L. C. Diver) [12.2 p.m.]: Before I read out the messages I have just received from the Legislative Assembly, I would point out that from time to time for the remainder of this session, Bills will be coming before the Council which will necessitate, no doubt, amendments of a formal nature, similar to the amendments for the correction of the year that were dealt with by the House yesterday evening. I therefore suggest to the House that the machinery that is provided in Standing Order 214 be implemented. That Standing Order reads—

> When a Bill shall be returned from the Assembly with amendment, the Message with such amendments shall be printed, unless the Council otherwise order, and a time fixed for taking the same into consideration in a Committee of the Whole.

Under this Standing Order the Council may order such messages to be dealt with forthwith instead of their being placed on the notice paper for the next sitting.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [12.3 p.m.]: I appreciate your calling our attention to Standing Order 214, Mr. President, but what I cannot appreciate is the necessity for the Legislative Assembly to return these Bills to us. As long as we continue to have two periods in each session of Parliament, with Bills being introduced in one year in one House and completed in the following year in the other House, there will be the requirement to make this alteration.

I would venture to suggest that the Property Law Bill and the Land Agents Act Amendment Bill, which were introduced into this House last year, will be dealt with by our clerks accordingly by altering the figure "8" to "9" and sending the legislation to the Assembly in that way, without any formal amendment being necessary. I would like it to be communicated to the Legislative Assembly that this is purely an administrative act on the part of the clerks, and I hope we will not have to go through all this procedure on receipt of messages from the Legislative Assembly but will be able to deal with the matter purely by making a clerical adjustment.

The Hon. W. F. Willesee: I could not agree with you more.

STATE HOUSING ACT AMENDMENT BILL, 1969

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

POISONS ACT AMENDMENT BILL

Returned

Bill returned from the Assembly with amendments.

Assembly's Amendments: In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

The CHAIRMAN: The schedule showing the amendments made by the Assembly to the Poisons Act Amendment Bill reads as follows:—

No. 1

Clause 1, page 1, lines 8 and 12—Delete the figures "1968", where appearing and insert in lieu the figures "1969."

No. 2

Clause 4, page 2, lines 17 and 27—Delete the figures "1968", where appearing and insert in lieu the figures "1969."

The Hon. G. C. MacKINNON: I move—

That the amendments made by the Assembly be agreed to.

Question put and passed; the Assembly's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

INNKEEPERS BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [12.9 p.m.]: I move—

That the Bill be now read a second time.

Arising out of some apprehension in the W.A. Branch of the Australian Hotels Association as to the liability of members of the association in respect of vehicles belonging to casual visitors as distinct from guests of licensed establishments, we introduced a Bill to repeal the Innkeepers Acts of 1887 and 1920 in the 1966 session of Parliament.

That piece of legislation was not proceeded with, however, when it became apparent that some of its provisions could well be regarded as anomalous in the treatment of such different types of premises as unlicensed hotels, motels, and the like, which do not appear to be subject to the strict liability that the A.H.A. had sought to limit, along the lines of the Hotel Proprietors Act, 1956, of the United Kingdom.

Members may recall that questions arose in this Chamber as to whether an establishment like the Travelodge Motel, which had then only a restaurant license, was an inn for the purposes of the Bill introduced in 1966; and, in these circumstances, as I have mentioned, the Bill was not proceeded with.

During the intervening period, the W.A. Branch of the Australian Hotels Association has renewed representations with a view to having legislation introduced to place hotel proprietors in the same position as all other trades dealing with the public; namely, that they would be liable at common law for wilful acts and negligence only. The present position is that liability is absolute up to $60 ordinarily, and for an unlimited amount where loss or damage arises out of a wilful act, neglect, or default. The proposal submitted by the A.H.A. would eliminate the former liability, but it is noteworthy that this organisation made no proposals to

abolish the innkeepers' lien that is given by the 1887 Act. In other words, relief was sought on the one hand, while, on the other, the preservation of a statutory benefit was desired.

Indeed, one particular aspect of the proposals put before members during the 1966 session, that has been examined, was whether, if innkeepers are relieved of their present strict liability, they should be entitled to retain the right to a lien as is conferred by the Act of 1887. I suggest that as the Statutes affecting such liens stand at present, they should not retain this entitlement.

This Bill, therefore, without affecting the application of any other rule of law, requires that a rule of law that imposes a duty or liability on a person by reason only of his being an innkeeper, shall no longer apply in Western Australia. However, nothing in this provision will relieve an innkeeper of any duty or liability imposed upon him by Statute. The Innkeepers Act of 1887 and the Innkeepers Act of 1920 are repealed by this Bill, thus leaving the liquor trade subject to the ordinary common law rights and liabilities.

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

EXOTIC STOCK DISEASES (ERADICATION FUND) BILL

Second Reading.

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [12.13 p.m.]: I move—

That the Bill be now read a second time.

The presentation of this Bill to Parliament was foreshadowed by the Minister for Agriculture in another place last year when introducing the Stock Diseases (Regulations) Bill during the first period of this session. Matters dealing with the control and eradication of exotic diseases are dealt with in that piece of legislation.

This Bill is a compensation fund measure seeking to enlarge the area of compensation to include losses incurred through a variety of exotic diseases as approved by the Agricultural Council under the terms agreed between the Commonwealth and the States, as instanced by foot-and-mouth disease. This measure provides for compensation for any vesicular disease, for blue-tongue in sheep, swine fever and African swine fever in pigs, rinderpest in cattle, Newcastle disease and fowl plague in poultry, and rabies in any species, in addition to compensation with respect to foot-and-mouth disease.

The Bill contains no fundamental changes or departures from the provisions in the existing Foot and Mouth Disease Eradication Fund Act, and the repeal now proposed by this piece of legislation is being done purely to facilitate the drafting of legislation appropriate not only to foot-and-mouth disease, but also to the other stock diseases previously referred to.

Now, with the Commonwealth Government agreeing to contribute to a fund covering the additional exotic diseases mentioned, the several Statutes which have set up funds for the eradication of various stock diseases become redundant in so far as exotic diseases are concerned, but as distinct from enzootic diseases such as bovine tuberculosis and brucellosis, swine tuberculosis, and such other diseases as are approved by the Minister from time to time.

Consequently, bracketed with this Bill are several other complementary measures proposing amendments to—

(1) The Cattle Industry Compensation Act, 1965;

(2) The Pig Industry Compensation Act, 1942; and

(3) The Poultry Industry (Trust Fund) Act, 1948.

By way of explanation, it is pointed out that, while an outbreak of blue-tongue in sheep would be catastrophic to the Australian economy, and with an impact almost as great as an outbreak of foot-and-mouth disease, there is at present no compensation fund relating to sheep. This indicates the desirability of dealing with all compensation as far as exotic diseases are concerned in the same manner. This is being done by the elimination of provisions contained in existing compensation fund Acts previously referred to and their incorporation in the one Act, as proposed by this Bill.

No basic changes in the policy of payment of compensation to owners of stock and property destroyed in the course of eradication or preventing the spread of exotic diseases in livestock are proposed.

It may be helpful for members if I indicate the general headings of amendments proposed in the complementary and supporting legislation, while leaving the detailed explanation of those measures until each is being dealt with in turn.

The Cattle Industry Compensation Act is to be fully extended to take care of the eradication of tuberculosis and brucellosis. The Pig Industry Compensation Act is continuously active in compensating for enzootic diseases.

The funds accumulated under the Cattle Industry Compensation Act and the Pig Industry Compensation Act will be reserved for the control and eradication of the enzootic diseases just mentioned.

It is proposed to enlarge, under the provisions of the Poultry Industry (Trust Fund) Act, the powers of compensation to allow benefits to flow from the fund to the industry, where losses are not caused by a

contagious or infectious disease and occasioned by a circumstance other than a disease.

In this legislation there is included power to the Treasurer to divide the fund into separate accounts, each applicable to a separate disease and to wind up the accounts separately. The importance of this would become particularly apparent were there more than one exotic disease in existence at the same time.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

CATTLE INDUSTRY COMPENSATION ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [12.18 p.m.]: I move—

That the Bill be now read a second time.

As earlier explained, this measure is complementary to the Exotic Stock Diseases (Eradication Fund) Bill.

This Bill proposes the provision of compensation for any enzootic disease including brucellosis, the eradication of which is envisaged in the near future. The provisions in this measure will also enable funds of the Act to be used for supporting the total vaccination programme and other measures proposed for the eradication of brucellosis and any other enzootic disease.

Compensation arising from exotic diseases in cattle, which was formerly covered by the Cattle Industry Compensation Act, 1965, will now be encompassed by the provisions of the Exotic Stock Diseases (Eradication Fund) Bill.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

POULTRY INDUSTRY (TRUST FUND) ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [12.19 p.m.]: I move —

That the Bill be now read a second time.

The amendments contained in this measure are consequent upon and complementary to the Exotic Stock Diseases (Eradication Fund) Bill already outlined to members.

The two main amendments proposed in this measure provide compensation only in respect of enzootic diseases. The exotic Newcastle disease and fowl plague will now come within the ambit of the Exotic Stock Diseases (Eradication Fund) Bill.

Another amendment will enlarge the area of compensation so that poultrymen may derive additional benefits in the case of diseases which may not be specifically contagious or infectious, or where loss is occasioned by a circumstance other than a disease.

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

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL, 1969

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [12.20 p.m.]: I move—

That the Bill be now read a second time.

This Bill, introduced to Parliament by the Minister for Water Supplies, proposes two main amendments to Act No. 43 of 1909-1968.

The first of these enables a variation of the Metropolitan Water Supply, Sewerage and Drainage Board's powers to levy differential water rates, in order to eliminate an anomaly of rating on some residential properties.

The second amendment is being introduced to empower the board to repay part of its loan capital each year during the currency of the loans raised by the board.

In dealing with the former, I would mention that, under existing legislation, the board has power to levy a lesser—differential—rate on ratable land used for residential purposes. The Act defines "rateable land used for residential purposes" and also the term "residence." The definition of a residence includes a dwelling house and a home unit and flat, if the home unit or flat is occupied by the owner. However, if the home unit or flat is not occupied by the owner, it may not attract the lesser rating. It is now proposed to dispense with this restriction on home units and flats, so that they may come within the ambit of the definition of residence and the land rated at a lesser rate.

The water board may, under its borrowing powers, borrow money by issue of debentures, by the creation and issue of inscribed stock or in such other manner as the Governor approves.

Nevertheless, irrespective of the manner in which the loan is raised, the board has power only to repay at maturity by the creation of the appropriate sinking fund necessary for that purpose.

It is a fact, however, that some bodies or institutions with funds available for lending require that, at least, some part of the capital money be repaid to them each year. Such method of redeeming loans by way of repayment of capital during the currency of the loan is widely used by local authorities, and it is proposed under the provisions contained in this measure to give the board power to repay periodically over the term of the loan, the

money borrowed by the board, in addition to its power to repay on maturity by means of a sinking fund. I commend the Bill to the House.

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

BRANDS ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [12.23 p.m.]: I move—

That the Bill be now read a second time.

The West Australian Goat Society has been allowing its members to use brands for the purpose of identifying stud goats. These brands, though registered under the Brands Act, were not intended for goats, and although this action has been carried out by the society, quite unwittingly an illegal procedure has been adopted, which requires some tidying up.

The Goat Society has discussed the problem with the Department of Agriculture, with a view to having appropriate steps taken to rectify the situation, and the amendments proposed in this Bill are designed to correct this illegal procedure, which, it has been discovered, has been followed among the owners of stud goats for some years past.

The use of stud symbols, and particularly the use of someone else's brand registered under the Brands Act to identify stud goats contravenes the provisions of the Act. An amendment now proposed will allow a stud goat owner to use his breed society mark to identify his goats.

It is considered desirable, also, that somewhat similar provisions for the marking of stud goats be introduced along the lines of existing provisions for special marking of stud sheep.

This Bill will grant the stud goat owner the right to tattoo his breed society mark on the ear of the goat or firebrand the goat with his registered brand or breed society mark.

Members will find "Breed Society" defined in the Act as a body that carries out the registration of a particular breed of stock and that is recognised as such by the Royal Agricultural Society of Western Australia Incorporated. I commend the Bill to the House.

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

RESERVES ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [12.25 p.m.]: I move—

That the Bill be now read a second time.

This Bill was introduced to Parliament by the Minister for Lands, in response to a request by the Perth City Council that a site be now vested in that local authority for, and I quote, "concert hall and ancillary uses, public restaurant, and vehicle parking."

Arising from this request, the question arose as to whether, in the circumstances as existing, a vesting order in the foregoing terms would conform with the words "associated uses," provided for in the 1967 Reserves Act.

Upon Crown Law advice being sought in the matter, this amendment to the Reserves Act of 1967 is presented to Parliament to cover the additional requirements of the Perth City Council for further use of the concert hall site.

Salient aspects leading up to the introduction of this measure are as follows:—The area of land in St. George's Terrace, Perth, on which it is proposed to build a concert hall, comprises part of Perth Lot 813 (formerly the Chevron-Hilton site) and an area designated Perth Lot 842, which was excised from Reserve No. A22240 (Public Buildings) by the operation of clause 13 of the Reserves Bill of 1967, for the purpose of "concert hall and associated uses."

The Town Clerk of the City of Perth advised the Premier last October of preliminary plans for the project. The provision of restaurant and car parking facilities was considered an essential adjunct to the concert hall.

Last February consideration was given by the City Council to its architects' plans for the construction of Perth's new concert hall, which, I am informed, it is proposed to build at an estimated cost of $3,100,000 on the area of land previously referred to. It has been designed to seat 2,000 people.

I understand that plans include the provision of car parks, an organ, escalators, furnishings, and the restaurant, with catering facilities sufficient to accommodate 500 people.

The hall is to be built over underground car parks, planned to accommodate approximately 700 vehicles, and doubtless the facilities proposed will meet all essential requirements. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. F. Claughton.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL (No. 2), 1969

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [12.29 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains five clauses and is designed to amend the Motor Vehicle (Third Party Insurance) Act in respect of matters which have arisen mainly on representation of the Motor Vehicle Insurance Trust and the Third Party Claims Tribunal.

Clause 1 is designed to make the necessary adjustments to the title of the Act.

Clause 2 is to amend section 3 of the Act to include a definition, "Person under a legal disability." This amendment becomes necessary because of the proposed amendment to section 16E of the principal Act which is contained in clause 4 of this Bill.

Clause 3: As section 3P (4) of the principal Act is at present, the "annual account" is credited with one year's premium, but can be debited with claims arising from these policies for a period of two years. This is because claims arising from these policies are debited to the same "annual account," as policies effected for 12-monthly periods during the year are still current at the following 30th June for varying periods of up to 12 months; that is, a policy effected on the 29th June is credited to the "annual account" for the year ended the 30th of that June, but the policy is still current to the 29th June in the following year.

The difficulty experienced by the Motor Vehicle Insurance Trust in keeping accounts on this basis is increasing with the growth of business. The amendments will enable the trust to credit that portion of the total annual premiums received to the current financial year and to carry over the unexpired portion to the following year.

In the same way, claims arising from accidents between the 1st July and the 30th June will be debited to the annual account and thus to that portion of the premium applicable to that year, and claims from accidents during the remaining currency of the policy will be debited to the following annual account which has received the unexpired portion of the premium. The amendment is purely an administrative one to improve and simplify the accounting system and will in no way affect participants, motorists, injured parties, or the overall financial position of the trust.

Clause 4 repeals and re-enacts subsection (1) of section 16E for the following reasons:—

> With the inception of the tribunal, it was obviously the intention that any legal process connected with the settlement of third party claims should be handled by the tribunal in lieu of the courts.
>
> There is no provision as in the case of an infant's claim for a compromise by the tribunal where all parties have agreed an amount for settlement, but action or proceeding has not been commenced.

Examples have occurred where solicitors have bypassed the tribunal by issuing an "originating summons" which entitles them to appear before a judge of the Supreme Court to have settlement of the claim confirmed. As stated previously, it is considered the intention of Parliament was for the tribunal to handle all such matters and the proposed amendment will enable it to do so.

Clause 5 proposes to repeal and re-enact section 29 of the principal Act. Section 29 as now included in the principal Act provides that if an injured person does not commence legal proceedings to enforce a claim within six months from the day of the accident, the trust may by notice in writing require him to do so within 42 days for the purpose of determining the liability of the insured person or the trust.

It is further provided that should he fail to do so in the prescribed time after the service of the notice, the trust may apply to a judge of the Supreme Court for an order, and such order may—

> (a) give the claimant further time as the judge thinks fit;
>
> (b) adjourn the application; or
>
> (c) make such further conditions as the judge may deem just or proper.

Should the judge extend the original period of 42 days and the claimant does not commence legal proceedings within the extended period, his claim is forever barred under the provisions of subsection (8) of section 29. It will be seen that all applications under this section are made to a judge of the Supreme Court and consequent orders are made by that judge.

As a result of the amendment of 1966, all actions for damages arising from negligence in the use of a motor vehicle are heard by the Third Party Claims Tribunal constituted under section 16 of the Act, and it is considered that all applications under section 29 and consequent orders should be made by the chairman of the tribunal in lieu of a judge of the Supreme Court.

The proposed amendment streamlines the present procedure. Under this amendment, if no proceedings have been commenced within six months of the date of an accident to determine the liability of the insured or the trust, the trust may apply direct to the chairman of the tribunal for an order requiring the injured person to commence legal proceedings for that purpose within such time as may be granted by the chairman.

The amendment provides that a copy of the trust's application shall be served on the injured party, who is also heard

by the chairman. The proposed amendment gives the injured party protection similar to the present section, but should provide more ease of operation.

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

MINING ACT AMENDMENT BILL, 1969

Second Reading

Debate resumed from the 1st April.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [12.34 p.m.]: This Bill in size is very small. It seeks to amend section 26 of the principal Act by substituting a new paragraph (9) for the existing one. The effect of the amendment is to include "sand" in the minerals specified in the section and also to take out the stipulation that such minerals must be for the personal use of those who remove them.

The effect of this amendment will be all for the good because the Minister when introducing the Bill drew attention to the fact that it had been found difficult in the mining areas of the north to get in quantity the right type of material required for building operations and construction work. It would seem very reasonable to me that if sand is available, and available close to a construction site, use should be made of it. Therefore if there is anything in the Act which precludes its use, an amendment should be made to overcome that, particularly when no harm will result.

I do know that some years ago in Derby a contractor was in the position that he had to transport crushed stone from Perth through Fremantle to Derby and then to his site because it was difficult to get exactly what was required where he was, although he was surrounded by stone. I understand that at Talgarno sand reached the price of £10 a yard. This indicates how difficult the situation can become and how necessary it is for facilities to be made available, if possible.

I believe we should wholeheartedly support the Bill because if cheaper buildings can be erected, this will benefit all those in the mining industry.

THE HON. V. J. FERRY (South-West) [12.37 p.m.]: I rise to support this very simple Bill and in so doing I take the opportunity very briefly, in view of the hour of the day, to mention a point on which I would like some clarification. However, first of all, I would refer to the value of mining to this State. We have come to realise that it is of some magnitude today, although this has not always been the case. I have in mind particularly the tantalite and tin mining in the Greenbushes area, where tin was first discovered in 1888. At one time Greenbushes enjoyed a considerable population, but as the economic value of the field changed, the population dwindled, as has been the case in so many mining areas throughout Western Australia and, indeed, the world.

In passing it is interesting to note that prior to World War II the tantalite deposits of the Greenbushes and Pilbara fields satisfied approximately 90 per cent. of the world's demand for the high-grade ore. Other minerals have, to a lesser extent, been found in the Greenbushes field.

Mining operations, and particularly the removal of overburden, can cause some inconvenience, if not difficulties and hardship, in certain areas. Under this Bill, we are dealing with sand which is another material which can be removed under mining operations.

With regard to certain mining operations, particularly those on the surface—I am not concerned with deep-mining operations—the Act stipulates that excavations can be made no closer to a road than twice the depth of the excavation concerned. I have observed, particularly in the Greenbushes area, that leases held and being mined at present appear to be very close to some roads. I have not measured the distance involved, but it has occurred to me that such operations could present problems to the Main Roads Department and, indeed, to the shire concerned, if any realignment of roads is under consideration. The time must come when roads will, of necessity, be realigned and reconstructed. My query is concerning what the situation will be in respect of the reconstruction of highways and other roads while mining operations are still in progress, under an approved lease.

I just wonder where the authority of the Main Roads Department or the local authority starts and ends in respect of mining operations under the Mining Act. I think some difficulties could be experienced in some local authority areas. It could be possible that after mining operations have ceased and it has been found necessary for certain roads to be realigned such realignment may involve going across old workings. In carrying out such work, particularly when deep excavations are involved, the Main Roads Department or the local authority would be up for added expense in either filling, or removing hillocks and other features on the surface.

I guess this is one of the hazards which is normally accepted by road-making authorities. They do, in fact, stand the cost of this work, but I think it is worth while to mention the point because I believe local authorities in particular could be at some disadvantage concerning these mining operations. In addition to this I believe the Main Roads Department might find this a burden, particularly in the Greenbushes area. With those remarks I support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [12.43 p.m.]: I would like to thank Mr. Willesee for his support of this small Bill and his appreciation of its necessity.

In relation to the remarks made by Mr. Ferry, I think the Mining Act is one which really has stood the test of time. It contains provisions and conditions with regard to how close mining operations can be to roads and the like, and in addition it is possible for the warden to impose conditions when the right to mine is being granted. I think the honourable member's remarks really project into the future a long way. Whether provision should be made to protect the possibility, remote or otherwise, of a road taking a course which it does not now take, I just cannot say at the moment. With regard to roads which are already established, and buildings and the like, the Act already contains provisions which offer protection. The situation could occur where it would be found necessary to put a road in an area in which a mine is being operated. I think if that did arise someone would have to judge which was more valuable to the State, the road or the mine.

I do not think it is possible to project into the future and consider what may be the case with respect to the construction of a road over a mining site.

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.

INSPECTION OF MACHINERY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st April.

THE HON. R. H. C. STUBBS (South-East) [12.46 p.m.]: This small Bill which is before the House proposes to amend subsection (5) of section 6 of the principal Act by repealing it. I certainly wholeheartedly agree with this.

One can readily see the necessity for its inclusion in the Act in 1904 when the machinery Act was first introduced, but circumstances are vastly different now. Mining is different, access to mines is much easier because of improved transport and, of course, the economy of using the same inspector to undertake different tasks is not necessary today.

For the benefit of members I will read subsection (5) of section 6 of the principal Act. It says—

> Any duly appointed inspector of machinery may exercise any or all of the powers of an inspector of mines under the Mines Regulation Act of 1906, or any amendments thereof, subject to such conditions or restrictions as the Governor may think fit to impose.

I think the continued inclusion of that subsection would create a very dangerous situation today. A machinery inspector and a mines inspector could quite conveniently do each other's work many years ago, because there was not the complex machinery in mines such as there is today. The machinery consisted mostly of Cornish lift pumps, compressed air machines, and compressed air pumps. Of course, such methods as hand trucking and that sort of thing were used, as there were no electric trains. The result was that the duties of a machinery inspector and a mines inspector did dovetail to a considerable extent.

However, with the vast technological changes which have taken place in mining, and the intricate machinery used today, each inspector must have his own place in the scheme of things. The important point, as the Minister said, is that the transfer is to be made to the Department of Labour. That in itself is important because it allows for far greater efficiency if each department has its inspectors housed or controlled from that section.

The Mines Regulation Act still provides for special inspectors to do certain work under certain circumstances. Consequently, if the situation arose, a machinery inspector could still be under the control of the Mines Department with respect to certain work which he would carry out.

Mostly, however, machinery inspectors are not familiar with mining techniques. It would be interesting for members to know that an inspector under the Mines Regulation Act has to have a first-class mine manager's certificate of competency. That requires a diploma in mining from the School of Mines in Western Australia, or its equivalent from some other State or country. He must also have passed mining law, which means an extensive knowledge of the Mines Regulation Act, the Mining Act, and any other Act which pertains to mining. Also, he has to obtain experience through actually working for a certain time in the mines. Having done all of those things, he can then obtain what we call a ticket, which is a certificate. Consequently he must have much greater know-how in his particular job than a machinery inspector.

I am not taking away from a machinery inspector to any extent; because, after all, he would know much more in his particular field than a mines inspector. It is a case of the old racing term, "horses for courses."

As the Minister would be aware, when somebody wants to borrow money from the department, the mines inspector is the person who makes the report. It involves a knowledge of geology, mine economics, and plain down-to-earth know-how.

I do not intend to delay the House on the passage of the Bill. Our party wholeheartedly agrees to the repeal of subsection (5) of section 6 of the principal Act, and therefore we support the measure.

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.

MINES AND MACHINERY INSPECTION ACT REPEAL BILL

Second Reading

Debate resumed from the 1st April.

THE HON. R. H. C. STUBBS (South-East) [12.53 p.m.]: This small Bill does not pose any problems, but it does kindle a certain amount of interest in the happenings around 1911 when the principal Act was introduced. The Act was No. 38 of 1911. Section 1 sets out the short title of the Act, and section 2 refers to the extension of powers and duties of inspectors. It was assented to on the 16th February, 1911. The interesting part is section 2 of the principal Act, which reads as follows:—

> The Governor may, by Order-in-Council, confer upon the chief inspector or any inspector appointed under the Mines Regulation Act, 1906, the Coal Mines Regulation Act, 1902, or the Inspection of Machinery Act, 1904, all or any of the powers of the chief inspector or of an inspector, as the case may be, under all or any of the said Acts, subject to such conditions and restrictions, if any, as to the Governor may seem fit; and any such chief inspector or inspector upon whom such powers are conferred shall, notwithstanding anything to the contrary contained in the said Acts, be deemed to have been duly appointed under such Acts respectively and to have the necessary qualification for appointment, and may exercise the powers and shall perform the duties of a chief inspector or an inspector, as the case may be, under the said Acts accordingly.

As I said when speaking to the previous measure, the situation was vastly different in those days, and the Government simply had to economise on inspectors. The Good Lord did not put the mines right alongside the railway lines that did exist, and the modes of transport were the old horse, the horse and buggy, and the horse and trap with the result that it took a very long time to get to the areas where the mines were located. It was necessary to undertake the journey simply to do a small amount of work. The mines could not be visited very frequently and consequently members can see the necessity for this provision at that time. As I have said, circumstances have since changed. I do not want to go into the detail again, except to say that it could not happen today; although, on second thoughts, I suppose it actually could happen while the Act was in force. In any event it should not happen today because of the know-how of the various inspectors.

As I have remarked, the Bill simply kindles interest. The Minister when introducing the original Bill in another place said—

> If this Bill is carried, all I propose to do is to give instructions that in the back country, inspectors of mines shall carry out the duties of inspectors of machinery, and if it is found advisable inspectors of machinery will be asked to perform the duties of inspectors of mines.

This was on the 3rd February, 1911. The question was put and passed and the Bill was read a second time. It went through Committee without amendment and, after being read a third time, was transmitted to the Legislative Council. It arrived in the Legislative Council on the same day and the first reading was taken immediately. When moving the second reading here, the then Minister said—

> I know of some places on the Eastern Goldfields where it takes three days for an inspector to reach a certain mine and it requires two or three hours to do his work and then it occupies him another three days to get back.

That was the reason they had to dovetail the activities of the inspectors. As I have remarked, modes of travel are different now and the Act is therefore redundant. Without going into it any further, 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.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [12.58 p.m.]: I move—

> That the House at its rising adjourn until Tuesday, the 15th April.

Question put and passed.

House adjourned at 12.59 p.m.