Legislative Assembly

Thursday, the 1st May, 1975

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

FISHERIES ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Stephens (Minister for Fisheries and Wildlife), and read a first time.

QUESTIONS (67): ON NOTICE

1. LESMURDIE AND GOOSEBERRY HILL SCHOOLS

Sports Grounds

Mr THOMPSON, to the Minister representing the Minister for Education:

Since his visit to the hills schools on 23rd October, will he state what action has been taken with respect to playing fields at—

(a) Lesmurdie Primary School;

(b) Gooseberry Hill Primary School?

Mr GRAYDEN replied:

(a) Funds are not available at present to undertake extensions to the playing areas at Lesmurdie.

(b) Major development of the oval at Gooseberry Hill at an estimated cost of $45 000 is listed for consideration in the provisional 1975-76 Estimates.

2. LESMURDIE SCHOOL

Enrolment and Classrooms

Mr THOMPSON, to the Minister representing the Minister for Education:

(1) What is the present enrolment at the Lesmurdie Primary School?

(2) What is the anticipated growth of the school population for the next 12 months?

(3) How many demountable classrooms are in use at this school?

(4) How many additional permanent classrooms is it anticipated will be built at the school?

Mr GRAYDEN replied:

(1) 558.

(2) It is anticipated that there will be 590 pupils enrolled at the school at the beginning of the 1976 school year.

(3) One.

(4) When the need for classroom accommodation at the school is of a sufficiently high priority in relation to all building requirements, up to three more permanent rooms will be added.

3. SCHOOL AT LESMURDIE

Burma Road Site

Mr THOMPSON, to the Minister representing the Minister for Education:

When is it planned to build a primary school on the site held in Burma Road, Lesmurdie?

Mr GRAYDEN replied:

There are no plans currently in hand for the establishment of a new school on this site. The need for new schools is re-assessed each year. This site is one which is the subject of such annual re-assessment.

4. LESMURDIE SCHOOL

Staff Room

Mr THOMPSON, to the Minister representing the Minister for Education:

(1) Is he aware that the staff room at the Lesmurdie school is not of sufficient size to cater for the teaching staff?

(2) (a) Are there any plans to improve the situation;

(b) if so, what are they?

(3) If there is no intention to provide adequate accommodation for the staff will he make plans?

Mr GRAYDEN replied:

(1) to (3) Lesmurdie, as with a number of other schools, is listed for staff room and administration extensions. Until there are sufficient funds available for such works, no additional action can be taken in the matter.

5. CARMEL SCHOOL

Repairs and Replacement

Mr THOMPSON, to the Minister representing the Minister for Education:

(1) When is it intended to carry out repairs and renovations at the Carmel Primary School?

(2) As it has already been stated that the school is to continue whilst the need for it exists will he say if there are intentions of replacing the very old building?

Mr GRAYDEN replied:

(1) No repair and renovation programme is currently scheduled for this school.

(2) There are no immediate plans for a replacement programme.

6. PINE PLANTATIONS

Busselton and Collie Areas

Mr A. R. TONKIN, to the Minister for Forests:

Further to page 14 of the Forests Department 1974 annual report, what are the approximate sizes of the areas in the vicinity of Busselton and Collie being investigated for pine afforestation?

Mr RIDGE replied:

The penultimate paragraph of page 14 of the Forests Department 1974 annual report refers to "areas of sandy soil in the vicinity of Busselton and Collie". These are within total areas of relatively recent investigation of—

Busselton—approximately 280 000 hectares.

Collie—approximately 25 000 hectares.

7. ORCHARDS AND CROPS

Effect of Dieback Disease

Mr A. R. TONKIN, to the Minister for Agriculture:

What is the extent and severity of *Phytophthora cinnamomi*-caused dieback in orchards and other commercial crops in the State?

Mr McPHARLIN replied:

Phytophthora cinnamomi does not attack apples, pears and citrus and is not associated with dieback disorders of these crops in Western Australia.

The fungus can infect roots of apricots, peaches and plums as well as pineapples, walnuts and chestnuts. It has not been detected on these crops in this State so far.

Although capable of infecting grapes, it has only been detected on one grafted vine in a vineyard at Upper Swan.

Avocadoes are very susceptible to attack and small-scale plantings of this crop have been affected in the hills and coastal areas near Perth. In these instances the fungus is considered to have been introduced into the plantings with infected nursery stock.

8. FAUNA SANCTUARIES

Dieback Disease

Mr A. R. TONKIN, to the Minister for Fisheries and Wildlife:

(1) Is the Department of Fisheries and Wildlife aware of any dieback occurrence in fauna sanctuaries in the State?

(2) If so, would he list the infected reserves and state the known extent and severity?

Mr STEPHENS replied:

(1) No.

(2) Answered by (1).

9. NATIONAL PARKS

Dieback Disease

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

(1) Is the W.A. National Parks Board aware of any dieback occurrence in the following national parks during the past decade—

Fitzgerald River;
Torndirrup;
Porongorup;
Stirling Range;
Walpole-Nornalup;
Scott River;
Hamelin Bay;
Cowaramup;
Yallingup;
Yalgorup;
Serpentine;
John Forrest;
Walyunga;
Neerabup;
Yanchep?

(2) If so, what is the extent and severity?

Mr STEPHENS replied:

(1) The National Parks Board is aware of dieback occurrence in the following—

Torndirrup National Park;
Stirling Range National Park;
Yallingup National Park;
Walpole-Nornalup;
Serpentine National Park;
John Forrest National Park;
Yanchep National Park.

(2) Dieback is limited in extent and limited in severity in these national parks excepting John Forrest National Park where the occurrence is moderate in extent and severity.

10. STATE FORESTS

Muja-Perth Power Line: Clearing

Mr A. R. TONKIN, to the Minister for Forests:

Further to page 14 of the Forests Department 1974 annual report—

(1) What area of State forest was cleared to run the existing power line from Muja to Perth?

(2) What area will be cleared to run the proposed 330 kV line from Muja to Perth?

Mr RIDGE replied:

(1) Approximately 620 hectares.

(2) Approximately 600 hectares.

11. STATE FORESTS

Dieback Disease: Impact and Control

Mr A. R. TONKIN, to the Minister for Forests:

Further to pages 19 and 20 of the Forests Department 1974 annual report—

(1) Does the statement that the impact of *Phytophthora cinnamomi* in karri, wandoo and tuart forests is not significant, refer to impact on commercial timber species rather than these forest types in general?

(2) Does the department's mapping of dieback occurrence and severity relate to commercial timber species or is it equally relative to all forest types, including non-commercial species of the forest association?

(3) What amounts of money have been provided for dieback research in Western Australia during the past ten years and how much has come from forest royalties?

(4) Is the Conservator of Forests satisfied with the level of intensive research being carried out in regard to dieback and its control?

(5) Apart from *Phytophthora cinnamomi*, what other diebacks affect eucalyptus forest in the south-west of the State?

Mr RIDGE replied:

(1) No. The term impact refers to the implication the disease has to all forest management practices.

(2) The department's mapping of dieback occurrence and severity is based on visual symptoms in the forest association and relates to the whole forest association.

(3) Approximately $2.6 million has been provided by the Forests Department for dieback research in Western Australia during the past ten years of which it is estimated that 60% came from the reforestation fund. The amount expended by the Commonwealth and Universities during this time is not known.

(4) The Conservator of Forests is satisfied that the level of intensive research which has been undertaken and is being carried out provides a suitable basis for ongoing management. Additional staff would be valuable to advance studies of the land use implications. With a disease of this nature, obviously a great deal more work would be desirable if there were no limit on staff and finance.

(5) Apart from *Phytophthora cinnamomi*, tree crown dieback in the south-west of the State can be associated with *Armillaria melia*, leaf miner and other insects, flooding, drought, fire and selection cutting in certain stand types.

12. LAPORTE TITANIUM

Industrial Effluent

Mr A. R. TONKIN, to the Minister for Works:

(1) (a) What is the tenure of the land onto which effluent from the Laporte titanium plant at Australind is being discharged;

(b) what is the area of the above land?

(2) (a) How much land has been used to take the effluent discharged to date;

(b) at a discharge rate of 110 and 106 tonnes per day of ferrous sulphate and sulphuric acid, respectively, for what period of time is the above land able to satisfactorily receive the effluent?

(3) On being discharged onto the land, what subsequent treatment and/or chemical changes occur to the main effluent components?

Mr O'NEIL replied:

(1) (a) Crown land.

(b) Gross area of 585 hectares. This gross area includes buffer zones at the north and south ends which will not be used for effluent disposal.

(2) (a) Approximately 190 hectares or one-third of the gross area but representing approximately 55% of the net area available for taking the effluent.

(b) The period is not predictable because of variations in substrata formations and lime content. However, it is clear that the period is limited and for this reason alternative disposal methods are being urgently studied.

(3) The effluent as it seeps into the sand is partly neutralised and the ferrous sulphate remains in solution. The effluent then finds its way into the ocean where the acid is completely neutralised and the ferrous sulphate is oxidised to ferric hydroxide.

13. LAPORTE TITANIUM

Industrial Effluent

Mr A. R. TONKIN, to the Minister for Industrial Development:

Further to question on notice 32, asked on 15th April, 1975, would it be generally true that if the range of ilmenite quantity processed per year were halved (i.e., 15 000 to 21 000 tonnes), the following would also be halved—

(a) volume of effluent;

(b) amount of ferrous sulphate and sulphuric acid discharged?

Mr MENSAROS replied:

As far as mathematical theory is concerned—as every first grade school child would know—the answer is yes.

Such a practical move, however, would render the industry unviable and would result—besides other economical consequences—in the loss of employment of 200 to 300 people.

14. TOWN PLANNING

Land Resource Inventory

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

(1) Have the Town Planning Department, Town Planning Board, and Metropolitan Region Planning Authority been notified of a land resource inventory of the Perth metropolitan region proposed by the Department of Agriculture?

(2) Since one of the objects of such a survey would be to supply data to enable optimal planning of land use, what was the response of each of the above agencies to the proposal?

Mr RUSHTON replied:

(1) Only the Town Planning Department has been officially notified.

(2) The department has supplied relevant information and maps to the Department of Agriculture. A liaison officer has also been nominated from the Town Planning Department.

15. DEPARTMENT OF AGRICULTURE

Land Resource Inventory

Mr A. R. TONKIN, to the Minister for Agriculture:

(1) Further to recommendation 12.17 of the Hon. Royal Commission of Inquiry into the Corridor Plan for Perth, has the Department of Agriculture considered undertaking a land resource inventory of the Perth metropolitan region?

(2) If so, what response was received from other agencies in regard to this proposal?

(3) What is the present position in regard to this proposal?

Mr McPHARLIN replied:

(1) Yes. All local government authorities in the Perth metropolitan region and appropriate Government departments and authorities were contacted in November, 1974.

(2) A good initial response was received and considerable interest shown by most of the authorities and departments approached.

(3) Work in 1975 is being directed towards providing information on soils as well as advice in relation to other specific requests which shires and councils consider are urgent.

16. ENVIRONMENTAL PROTECTION

Land Resource Inventory

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

(1) Have the Environmental Protection Authority and Environmental Protection Council been notified of a land resource inventory of the Perth metropolitan region, proposed by the Department of Agriculture?

(2) What was the response of each of these agencies to the proposal?

Mr STEPHENS replied:

(1) No. The Department of Environmental Protection received a circular from the Department of Agriculture in early November, 1974, outlining the proposal. The department indicated its support for the programme and when further details are available the Environmental Protection Authority and Environmental Protection Council will be notified.

(2) Answered by (1).

17. LAPORTE TITANIUM

Environmental Protection Investigations

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

(1) Has the Environmental Protection Authority been requested to investigate the disposal of effluent from the Laporte titanium plant at Australind?

(2) If so—

(a) on what date was the matter referred to the authority;

(b) apart from the general and long-standing problem of disposing of this effluent, were there other factors of significance behind this referral;

(c) what action has the authority taken to date, and what recommendations has it made;

(d) when is the investigation likely to be concluded?

Mr STEPHENS replied:

(1) No. However, through the departmental representation on the Laporte Effluent Disposal Committee, the Environmental Protection Authority has been kept informed of developments in research into various effluent disposal options. The Environmental Protection Authority through the Department of Environmental Protection is co-ordinating a research programme to assess the environmental aspects of alternative effluent disposal methods. This research programme is expected to be completed within one year.

(2) Answered by (1).

18. ENVIRONMENTAL PROTECTION AUTHORITY

New Initiatives

Mr A. R. TONKIN, to the Minister for Conservation and Environment:

(1) Further to question on notice 79 asked on 27th March, 1975—

(a) on what date did Dr Hodgkin commence as research co-ordinator of the Hardy Inlet environmental study;

(b) on what date was the Conservation Through Reserves Committee appointed?

(2) (a) On what date was the Coogee Air Pollution Study commenced;

(b) what is the present involvement of the Environmental Protection Authority in the Pinjarra Air Pollution Study?

(3) (a) What finances has the State Government made available to the Demographic and Environmental Resources Committee during 1974-75;

(b) what approaches have been made to other sources for funds (e.g., Australian Government, jumbo steelworks consortium) for this committee?

(4) (a) On what date did the Greenbushes interdepartmental committee first meet;

(b) on how many occasions has it met altogether and what was the date of the last meeting;

(c) what recommendations has the committee made;

(d) what is the present status of the committee?

(5) (a) Further to the Environmental Protection Authority's 1973 annual report, what progress has been made in regard to goldfields dust abatement;

(b) what problems have been encountered in regard to fencing and the restriction of access to fragile areas?

Mr STEPHENS replied:

(1) (a) Dr Hodgkin accepted the commission on 4th December, 1973. He commenced the study in January, 1974.

(b) 21st January, 1972.

(2) (a) The Coogee air pollution study was formed on 11th November, 1972.

(b) A professional officer of the Department of Environmental Protection drawing on experience gained in the Coogee air pollution study, is assisting Alcoa of Australia Pty. Ltd., and the Public Health Department in the conduct of the experiment.

(3) (a) $2 500.

(b) Commonwealth Government.

(4) (a) 14th June, 1971.

(b) Five, the last meeting was on 29th August, 1973.

(c) General recommendations have been made relating to tree planting for screening purposes, and the Conservator of Forests was added to the membership of the committee to ensure full response to the problems. In addition, recommendations were made to reroute the South-West Highway, with details relating to a 5-chain reserve to be negotiated by the Mines Department. In addition the

committee agreed to conditions laid down for Mineral Leases 653, 655 and 656 to be imposed with regard to applications for mineral leases 719, 721 and 722 in the Greenbushes area.

(d) The members have operated largely on a departmental basis and the need for a formal meeting has not arisen since the viewpoints of individual departments are known to the others.

(5) (a) There is a continued active programme, with the Government's financial assistance for revegetation and experimental studies to attempt to abate the dust problem. More details can be made available if the member wishes to peruse the file in the offices of my department.

(b) In July, 1974, a committee of protest against the dust abatement fence was formed in Kalgoorlie. An officer of my department with the approval of the Goldfields Dust Abatement Committee met members of this committee to discuss the problem. It is believed that this problem is now overcome.

19. *This question was postponed.*

20. RAILWAYS

"Trans-Australian" and "Indian Pacific": Late Departure

Mr HARTREY, to the Minister for Transport:

(1) On what dates during the last six months has the westbound *Trans-Australian* and/or *Indian Pacific* train departed from Kalgoorlie 60 minutes or more later than the official time of departure, to wit, 8.30 p.m.?

(2) What has been the reason in each such instance?

(3) Has the fault in any single instance been attributable to the Western Australian train staff or WAGR employees?

Mr O'CONNOR replied:

(1) and (2) The information requested is shown on the schedule which I hereby table.

(3) No.

The schedule was tabled (see paper No. 189).

21. STATE FORESTS

Jarrah and Karri: Use and Replenishment

Mr A. R. TONKIN, to the Minister for Forests:

Further to question on notice 64 asked on 28th November, 1974—

(1) With regard to part (2) (a), over what period was the present working plan prepared?

(2) In regard to part (2) (b)—

(a) when was the report written for the Forestry and Timber Bureau;

(b) what is the time scale envisaged now and does this conform with the present general working plan referred to at part (1) of question on notice 36 asked on 23rd October, 1974?

(3) Having in mind that the total hardwood timber resource available to mills in the south-west, particularly jarrah, will continue to decline for some time (as revealed on page 14 of the 1974 annual report of the Forests Department) when is it expected that a balance will be reached between forest harvest and annual growth and what will the annual increment be at that time for—

(a) jarrah;

(b) karri?

Mr RIDGE replied:

(1) 1966-1970.

(2) (a) October, 1973.

(b) This is under constant review and will be incorporated in the revision of the general working plan proposed for 1976.

(3) Answered by 2 (b).

22. GOVERNMENT BOARDS AND STATUTES

Ministerial Jurisdiction

Mr A. R. TONKIN, to the Premier:

Further to question on notice 11 asked on 15th April, 1975, under the control of which Ministers are the following—

(a) W.A. National Parks Board;

(b) Pemberton National Parks Board;

(c) King's Park Board;

(d) Rottnest Island Board;

(e) Native Flora Protection Act;

(f) National Trust Act;

(g) Aboriginal Heritage Act;

(h) Maritime Archaeology Act;
(i) Museum Act;
(j) Soil Conservation Act;
(k) Noise Abatement Act;
(l) Parks and Reserves Act;
(m) Zoological Gardens Act?

Sir CHARLES COURT replied:

(a) to (m) This information is set out in the printed extract from the *Government Gazette* (No. 55) dated 12th July, 1974, which is tabled, as amended in *Government Gazette* (No. 90) dated 22nd November, 1974, page 5094.

A copy of the extract was tabled (see paper No. 190).

23. DEMOGRAPHIC AND ENVIRONMENTAL RESOURCES COMMITTEE

Study Proposal

Mr A. R. TONKIN, to the Premier:

What is the Government's policy on the study proposal by the Environmental Protection Authority's Demographic and Environmental Resources Committee, as outlined in tabled paper 188 of 1974?

Sir CHARLES COURT replied:

The Government in general endorses the concept of the study proposal. However, due to fiscal constraints, it has not been in a position to fund the proposed study at this time.

24. ENVIRONMENTAL PROTECTION COUNCIL

Filling of Vacancies

Mr A. R. TONKIN, to the Premier:

In accordance with its stated policy of seeking a more effective citizen participation in conservation (notes on the environment, conservation and the quality of life accompanying the Liberal Party's 1971-74 policy) will the Premier give assurance that the Government will consult conservation and environmental groups at an early date prior to filling the vacancies on the Environmental Protection Council, under section 17 (1) (b) (iii) of the Environmental Protection Act?

Sir CHARLES COURT replied:

This is a matter the Government will decide and deal with in accordance with its policies and normal Government procedures and responsibilities.

25. AGRICULTURE PROTECTION BOARD AND KANGAROO COMMITTEE

Citizen Action Groups: Representation

Mr A. R. TONKIN, to the Premier:

In accordance with its stated policy, will the Premier give assurance that citizen action groups will be represented by active laymen on any successor to the Agriculture Protection Board, and any statutory kangaroo committee?

Sir CHARLES COURT replied:

No such assurance can be given as there are no current plans to re-constitute the Agriculture Protection Board or to establish a statutory kangaroo committee.

26. ELECTION PROMISES

Conservation Commission

Mr A. R. TONKIN, to the Premier:

What steps has the Government taken to establish a conservation commission, as promised before the election?

Sir CHARLES COURT replied:

Currently, legislation is before Parliament to amend the Environmental Protection Act, 1971, as the member is aware. The Environmental Protection Council, to be re-named the Conservation and Environment Council, is to have its membership increased by the addition of an expert in agriculture and an expert drawn from a tertiary institution. This, to my mind, accomplishes in principle the election undertaking.

If experience calls for variation or expansion of this action, appropriate steps will be taken as required.

27. RIVERS AND ESTUARIES (CONSERVATION AND MANAGEMENT) BILL

Reintroduction

Mr A. R. TONKIN, to the Premier:

In what way does the Premier consider it an advance by not having the Tonkin Government's Rivers and Estuaries (Conservation and Management) Bill reintroduced into Parliament?

Sir CHARLES COURT replied:

Intensive discussions have been held with appropriate authorities on this matter, and a consensus reached on a somewhat different management structure than that envisaged in the Rivers and Estuaries (Conservation and Management) Bill.

The matter will be reviewed by Cabinet in the near future, and a new Bill will be introduced in the next session of Parliament.

28. NATIONAL PARKS

Management Funds, and Upgrading

Mr A. R. TONKIN, to the Premier:

(1) In line with its stated policy to extend the national park system, will the Government also provide more funds for their management?

(2) What steps have been taken in regard to the creation of new types of national parks and public access areas, forest parks, nature trails and wilderness areas?

(3) What action has the Government taken toward upgrading the W.A. National Parks Board?

Sir CHARLES COURT replied:

(1) Yes, with due consideration to overall fiscal constraints, consideration is currently being given to the matter of adequate staff resources.

(2) On a broad basis, the intensive studies of the Conservation through Reserves Committee of the Environmental Protection Authority have been made available for public comment, before the Environmental Protection Authority makes its recommendations to the Government. The member will be aware that the Conservation through Reserves Committee recommendations are to the effect that about a further 86 000 km² should be added to the existing reserves. Included in the new types of parks recommended is the concept of marine reserves.

Certain areas of forest have been designated as priority areas for special management and additional areas are being investigated.

(3) A professional director was appointed approximately one year ago. In addition, significant extensions for office accommodations were approved and are near to completion, within a few weeks. Additionally, consideration is being given to increased staffing requirements.

29. ZOOLOGICAL GARDENS

Private Ownership: Regulations

Mr A. R. TONKIN, to the Minister for Fisheries and Wildlife:

(1) Are new regulations being written relative to the keeping of private zoological gardens?

(2) If so, when is it expected that such regulations will be gazetted?

Mr STEPHENS replied:

(1) Not that I am aware of.

(2) Answered by (1).

30. *This question was postponed.*

31. LUDLOW TUART FOREST

Mining

Mr A. R. TONKIN, to the Premier:

Will he assure the House and the people that the Government will not permit mining in the Ludlow tuart forest?

Sir CHARLES COURT replied:

The generality of the question does not permit a simple answer.

In broad terms it can be stated that the area has special features which are to be preserved and not only in respect of mining.

Any change of use of the whole or part of this area would be the subject of very special consideration before any decision is made.

32. LAND

Reserve No. 31030

Mr A. R. TONKIN, to the Minister for Lands:

(1) What is the purpose, class and area of reserve 31030 and who has control of it? (System Five CTRC Report.)

(2) On what date was it created?

(3) On whose recommendation or suggestion was it created?

Mr RIDGE replied:

(1) Purpose—Conservation of flora and fauna.

Classification—"C".

Area—4 945.848 3 hectares.

Control—Vested in the Western Australian Wild Life Authority.

(2) 15th October, 1971.

(3) Departmental recommendation, following joint inspection of land by officers of the Department of Agriculture and Lands and Surveys Department.

33. LAND

Reserves Nos. 26001, 27886, 29072 and 29073

Mr A. R. TONKIN, to the Minister for Lands:

What are the purposes, area and vesting for reserves 26001, 27886, 29072 and 29073 (System five CTRC Report)?

Mr RIDGE replied:

Reserve 26001.

Purpose—Camping and conservation of flora and fauna.

Area—117.242 5 hectares.

Vesting—Not vested.

Reserve 27886.

Purpose—Conservation of flora and fauna.

Area—1 245.693 2 hectares.

Vesting—The Western Australian Wild Life Authority.

Reserve 29072.

Purpose—Public recreation.

Area—291.876 9 hectares.

Vesting—Shire of Carnamah.

Reserve 29073.

Purpose—Conservation of flora and fauna.

Area—About 4 886 hectares.

Vesting—Not vested.

34. INDUSTRIAL DEVELOPMENT

Steel Production: Volume of Slag

Mr A. R. TONKIN, to the Minister for Industrial Development:

(1) Further to question on notice 24 of 22nd April, 1975 what approximate weight of blast furnace slag would fill a volume of 1.2 million cubic metres?

(2) What weight of pig iron output would correspond with the quantity of blast furnace slag referred to above, assuming average blast furnace grade iron ore was used?

Mr MENSAROS replied:

(1) 1.8 million tonnes.

(2) 4.5 million tonnes.

I would like to say to the member for Morley I do not consider it the duty of a Minister to supply information which is easily and readily available, or aid members in simple mathematical exercises of conversion.

35. INDUSTRIAL DEVELOPMENT

Steel Production: Raw Materials

Mr A. R. TONKIN, to the Minister for Industrial Development:

Further to question on notice 8 asked on 26th November, 1974—

(1) (a) What would be the average percentage Fe range of the average blast furnace grade iron ore referred to;

(b) what percentage coke yield was assumed for the figure of 7.5 million tonnes of coal?

(2) What would be the by-products and wastes to be disposed of and their respective quantities, in converting the 7.5 million tonnes of coal to coke—

(a) at the percentage coke yield referred to above;

(b) assuming a 65% coke yield?

(3) What gaseous wastes, and their quantities, would be emitted through—

(a) the production of 10 million tonnes of pig iron;

(b) the conversion of 10 million tonnes of pig iron to raw steel, using each of the principal proven technological approaches presently available (e.g. L.D. oxygen converter, open hearth furnace, electric furnace)?

Mr MENSAROS replied:

(1) (a) 62%/63% Fe.

(b) The estimated coal consumption given in my answer to question 8 of 26th November, 1974 was provided by BHP.

The further data required by the member should be available when I receive the study report. The study group and State representatives are conferring on the general environmental aspects of the proposed development. Specific consideration can be given to by-products and wastes when full process details are available.

(2) and (3) See 1 (b).

36. JUMBO STEELWORKS

Rockingham-Kwinana Site

Mr A. R. TONKIN, to the Minister for Industrial Development:

(1) Further to his answers to part (1) of question on notice 2 and to the final sentence of part (2) of question on notice 27, asked on 26th November, 1974 and 22nd April, 1975 respectively, can it be assumed that the feasibility of a site for a proposed jumbo steelworks has been assessed in the Rockingham-Kwinana area?

(2) If not, why not, and why then were the Rockingham and Kwinana Shire Councils approached in this regard?

Mr MENSAROS replied:

(1) No.

(2) The study by the consortium should establish the feasibility of a Western Australian location.

My answers to question 2 of 26th November, 1974, question 27 of 22nd April, 1975, and question 38 of 30th April, 1975, adequately set out the present position of the study group *vis-a-vis* the local authorities and State Government.

37. BHP STEELWORKS

Site Boundaries

Mr A. R. TONKIN, to the Minister for Industrial Development:

Further to questions on notice 25 and 72 asked on 27th November, 1974, what are the approximate lengths of—

(a) the straight line extending from the southern boundary of the company's worksite to an unfinished groyne north of Naval Base;

(b) the coastline extending from the southern boundary of the company's worksite to an unfinished groyne north of Naval Base; and

(c) the coastline extending from the northern boundary of Alcoa's works site to the same unfinished groyne referred to in (b) above,

covered by clause 29 of the BHP Integrated Steel Works Agreement Act and Plan FHT CM 6/6?

Mr MENSAROS replied:

(a) to (c) I refer the member to the plan tabled with my answer to question 79 of 27th November, 1974 which has already inherently supplied the information now requested.

38. SCENIC TOURIST ROADS

ANTA Recommendation

Mr A. R. TONKIN, to the Minister for Transport:

Further to question on notice 13 asked on 28th November, 1974—

(1) What consideration has the Commissioner of Main Roads given to the implementation of recommendation 8 of the ANTA 1973 report in regard to the roads listed as "scenic tourist roads" in the preamble to that recommendation?

(2) Which of the roads listed are presently declared main roads?

Mr O'CONNOR replied:

(1) The Commissioner of Main Roads has studied recommendation 8 and considers that there would be no advantage in designating those roads listed in the preamble, which are already declared main roads, as "scenic tourist roads". As declared main roads they have a multi-purpose use and carry traffic other than tourist traffic.

(2) Old Coast Road connecting Mandurah to Bunbury.

Coalfields Highway which branches off the South Western Highway to Collie.

Bussell Highway between Bunbury and Busselton.

Yallingup Road connecting Busselton, Yallingup and Dunsborough.

Vasse Highway linking Busselton to Nannup.

Balingup-Bridgetown section of roads linking Nannup, Balingup and Bridgetown.

Noggerup-Mumballup section of the route referred to in the preamble as Ridgeway Drive.

Manjimup-Pemberton turnoff section of the road connecting Manjimup to Pemberton and Northcliffe.

South Western Highway between Walpole and Denmark.

Torbay Turnoff-Denmark section of the Denmark-Albany Road link via Torbay.

Section from Albany to the road junction just east of the King River of the Chester Pass Road from Albany through the Stirling and Porongorup Ranges.

39. ROAD VERGE SUBCOMMITTEES

Action and Functions

Mr A. R. TONKIN, to the Minister for Transport:

Further to question on notice 12 asked on 28th November, 1974—

(1) What progress has been made by the road verge subcommittee in the selection of suitable sites for roadside floral areas?

(2) What is the function of the Esperance regional subcommittee and at whose request was its formation instigated?

Mr O'CONNOR replied:

(1) Preliminary work has been carried out with some field inspections and a tentative list of priorities has been prepared.

(2) To investigate problems associated with verges on wide road reserves and report to the Road Verge Committee which instigated the formation of the sub-committee.

40. ROADS

Classification Criteria

Mr A. R. TONKIN, to the Minister for Transport:

(1) What criteria are used in classifying a road to be a—
  (a) main road;
  (b) controlled access road:
  (c) important secondary road:
  (d) developmental road;
  (e) tourist road?

(2) Which classifications may overlap and which are the responsibility of local authorities for construction and maintenance?

Mr O'CONNOR replied:

(1) (a) Criteria for the classification of main roads are specified in section 13 of the Main Roads Act.

  (b) Wherever possible on major routes control of access is sought in the interests of traffic flow and safety, but it is generally only practical on new routes. Controlled access roads are provided for in section 28A of the Main Roads Act.

  (c) There is no classification of important secondary roads in the Main Roads Act, but generally these roads connect larger country centres and areas of special significance.

  (d) The criteria used in deciding which roads are to be improved as developmental roads are whether the road will help to develop a district, traffic usage and future traffic. The term is somewhat outdated and the provisions in the Main Roads Act need revision.

  (e) There is no classification of tourist roads in the Main Roads Act. However, the department allocates funds for the improvement of roads used principally by tourists.

(2) Tourist roads may overlap developmental roads. Local authorities are responsible for the construction and maintenance of all roads other than main roads and controlled access roads.

41. MAIN ROADS DEPARTMENT

Tree Planting Schemes

Mr A. R. TONKIN, to the Minister for Transport:

(1) In what tree planting schemes has the Main Roads Department been involved and which of these include main roads?

(2) What species of trees have been used in the tree planting schemes?

Mr O'CONNOR replied:

(1) The Main Roads Department has been involved in tree planting activities in the Bunbury, Northam, Narrogin, Geraldton and Metropolitan Divisions, all of which have been associated with main roads. In the metropolitan area plantings include the Narrows interchange, Causeway interchange, Mitchell Freeway, Leach Highway and Stirling Bridge.

(2) Apart from the Narrows interchange, which includes a wide variety of both Australian native and exotic trees, the main species used have been eucalyptus, acacia, callistemon and hakea.

42. RUBBISH DISPOSAL

Parking Bays: Takeover by Main Roads Department

Mr CRANE, to the Minister for Transport:

(1) Is he aware that the Department of Main Roads has written to the Dalwallinu Shire Council advising that as from 1st July, 1975 the Main Roads Department intends to take over the regular collection of rubbish from litter bins provided at parking bays?

(2) Will he reconsider the proposal, in view of the council's objections which are as follows—
  (a) rubbish collection and disposal is, and has been, a traditional municipal function;
  (b) Dalwallinu Council sees this as an encroachment by yet another State Government department, consequently reducing once again the scope of council's activities;
  (c) Dalwallinu Council considers the Main Roads Department is entering a field now adequately being serviced by the Dalwallinu Shire;
  (d) Dalwallinu Shire Council is prepared to expand the service on application by the department?

Mr O'CONNOR replied:

(1) Yes.

(2) Yes. The Divisional Engineer will discuss this with the council. However, I would point out that the care and responsibility of main road reserves, including litter collection, rests with the Commissioner of Main Roads.

43. ROADS

Signs: Removal by Main Roads Department

Mr CRANE, to the Minister for Traffic:

(1) Does the Main Roads Department claim the power to order the removal of road signs as follows—
   (a) on road verges;
   (b) on private property adjacent to roads;
   (c) on road verges or private property,
   within town boundaries?

(2) If so, is there any way in which country businesses such as cafes may advertise to the travelling motorist?

Mr O'CONNOR replied:

(1) Yes. On or in the vicinity of main roads or controlled access roads.

(2) Yes. On the premises and in information bays provided by some councils. In remote areas the Main Roads Department is providing road signs containing information on services available.

44. LAND

Classification of Reserves

Mr H. D. EVANS, to the Minister for Lands:

What is the classification of the reserves known as Diamond Tree, Diamond Tree Forest, Gloucester Tree, Pemberton Cascades and Dombakup Forest?

Mr RIDGE replied:

All of the features referred to are contained within State forest.

45. LOCAL GOVERNMENT

Rating: Committee of Inquiry

Mr H. D. EVANS, to the Minister for Local Government:

(1) Has the committee which was appointed to receive submissions and make recommendations regarding the method and principles involved in the levying of rates concluded its report?

(2) If "Yes" what recommendations have been made to the Government?

(3) If "No" when is it expected that the committee will present its findings and does he propose to table the same?

Mr RUSHTON replied:

(1) No.

(2) Answered by (1).

(3) At this stage, the committee expects to complete its report at the end of the current financial year.

After the report has been received and examined by the Government, consideration will be given to the manner and extent of making its contents public.

46. MERREDIN, ESPERANCE, AND MANJIMUP SHIRES

Population and Rates

Mr H. D. EVANS, to the Minister for Local Government:

(1) What is the total—
   (a) rural population;
   (b) revenue raised by shire rates from the rural sector;
   (c) towns population;
   (d) revenue raised by shire rates in the towns sector,
   in each of the following shires—
   (i) Merredin;
   (ii) Esperance;
   (iii) Manjimup?

(2) What is the total area of each of the shires referred to in (1)?

(3) What percentage of each of the above shire areas is comprised of rateable land?

Mr RUSHTON replied:

(1) to (3) The full information requested could only be supplied by the councils concerned. I will ask the councils to let me have the required particulars and will advise the member when they are received.

47. INTERSTATE CORPORATE AFFAIRS COMMISSION

Representation and Functions

Mr BERTRAM, to the Minister representing the Minister for Justice:

Relevant to the Bill to amend the Companies Act—

(1) (a) Have all the Australian States and Territories been invited to join the Interstate Corporate Affairs Commission;
   (b) if "Yes" which States and Territories have expressed the intention not to join and in each case what reasons did they give for their decision;
   (c) if "No" to (a), why?

(2) (a) What is expected to be the cost to this State of establishing—
   (i) the Interstate Corporate Affairs Commission;
   (ii) the ministerial council;
   (b) what will be the annual cost to run each of them?

(3) Where are the headquarters of the Interstate Corporate Affairs Commission situated?

(4) (a) Is it intended to completely examine the securities industry legislation in each of the participating States with a view to reconciling all departures from uniformity in those Acts;

(b) if "No" why?

(5) (a) What will be the position when a company from another State seeking to commence business in this State cannot obtain approval of its name;

(b) who will finally decide as to the approval of the name of such a company seeking to commence business in Western Australia?

(6) How many foreign companies from—

(a) Queensland;

(b) New South Wales;

(c) Victoria,

are currently registered in Western Australia?

(7) How many companies incorporated in Western Australia are currently registered as foreign companies in—

(a) Queensland;

(b) New South Wales;

(c) Victoria?

(8) Since in Western Australia the registration obligations on a recognised company will be very much less than those presently placed on a foreign company trading in Western Australia will it not become necessary for the Western Australian public wishing to do business with such a company to engage professional men in other States to search and ascertain any necessary information in relation to each company which will become a recognised company in this State?

(9) (a) Have the other participating States passed their equivalent of this Bill without amendment;

(b) If "No" which States have not and in what respects have they respectively amended it?

(10) (a) On what date will the fees payable under the Companies Act be increased;

(b) why was this increase agreed upon?

(11) On what grounds have some of the business community of Western Australia opposed the Liberal Government joining the Interstate Corporate Affairs Commission?

Mr O'NEIL replied:

Firstly, I indicate I am not answering this question from a typed reply. I inform the member for Mt Hawthorn that I am unable to comply with the arrangement I made with him this morning to supply the answers to his questions as quickly as possible.

The Crown Law Department is endeavouring to obtain the information to the 11-part question. Some of the information has to be obtained from the other States and as late as 2.10 p.m. today I was advised that the reply was not complete.

The member will be aware that he had agreed to co-operate in considering this Bill today, and that I had also agreed that the information would be made available to him prior to the consideration of the Bill which is fairly high on the notice paper.

I give a further undertaking that because of my inability to meet my side of the contract, the Bill will not be proceeded with until such time as the member is provided with the information he seeks.

48. KWINANA FREEWAY EXTENSION

Four-lane Limited Access Road

Mr MAY, to the Minister for Transport:

Referring to the answers to question 45 on Wednesday, 26th March, 1975, which indicate that doubling of the Narrows Bridge is not planned and that the southern extension to the Kwinana Freeway will carry 30 000 vehicles less per day than the Narrows Bridge in 1979, and noting sections 109 and 110 of the second report of the House of Representatives Select Committee on Road Safety, why is a four-lane limited access arterial road not preferable to a six-lane freeway standard extension to the Kwinana Freeway?

Mr O'CONNOR replied:

A six-lane road of freeway standard will provide a better overall balance of the highway network than a four-lane arterial road.

49. NARROWS BRIDGE

British Motorway Standards

Mr MAY, to the Minister for Transport:

(1) Referring to question 26 on Wednesday, 16th April, 1975, why do British figures derived from observed traffic flows on roads of similar standard not apply to this question?

(2) Referring to the same question, how have the capacity figures been determined from actual operating conditions when the capacity flow levels have not yet been reached?

Mr O'CONNOR replied:

(1) and (2) Observed peak traffic flows in Perth exceed design figures given in British manuals and are used to estimate capacity.

50. NARROWS BRIDGE AND KWINANA FREEWAY

Traffic Flow

Mr MAY, to the Minister for Transport:

(1) What was the average weekday traffic flow over the Narrows Bridge when last recorded?

(2) What was the average peak-hour traffic flow over the Narrows Bridge when last recorded?

(3) What was the average weekday traffic flow at the southern end of the Kwinana Freeway when last recorded?

(4) What was the average peak-hour traffic flow at the southern end of the Kwinana Freeway when last recorded?

Mr O'CONNOR replied:

(1) 77 660 (November, 1974).

(2) 8 560 (November, 1974) average of a.m. and p.m.

(3) 48 338 (February, 1975).

(4) 4 961 (February, 1975) average of a.m. and p.m.

51. KWINANA FREEWAY EXTENSION

Hope Avenue and Labouchere Road: Traffic Flow

Mr MAY, to the Minister for Transport:

Will the increased traffic flow along Hope Avenue and Labouchere Road resulting from the preferred plan for the southern extension to the Kwinana Freeway exceed the reduction in flow predicted for Manning Road, and will he provide the relevant figures if these are available?

Mr O'CONNOR replied:

No. Traffic predictions show 8 000 vehicles per day on Hope Avenue by 1989, the majority of this traffic being generated from the Manning area south of Manning Road. While much of this traffic would otherwise use Manning Road, no overall reduction in Manning Road is expected.

No significant change in traffic volumes in Labouchere Road is predicted as a result of the southern extension of the Kwinana Freeway.

52. NARROWS BRIDGE

Traffic Capacity

Mr MAY, to the Minister for Transport:

(1) Referring to question 23 on Wednesday, 16th April, 1975, and to question 16 on Thursday, 27th March, 1975, if the figure of 158 600 vehicles per day in the target year is a forecast of travel demand and not traffic flow, why are the relevant figures in section 7.2.5 of the Wilbur-Smith report referred to as "projected traffic volumes"?

(2) Referring to question 45 part (3) on Wednesday, 26th March, 1975 and to section 7.2.5 of the Wilbur-Smith report, how is it intended to cope with the "projected traffic volumes" in the Wilbur-Smith study if duplication of the Narrows Bridge is not planned?

Mr O'CONNOR replied:

(1) I suggest that your question be addressed to the authors of the Wilbur-Smith report.

(2) Answered by question 14—30th April, 1975.

53. SIX-LANE HIGHWAYS AND BRIDGES

Traffic Flow

Mr MAY, to the Minister for Transport:

(1) What is the highest daily traffic flow for any six-lane highway recorded in reports or other documents available to the Minister, and where is this documented?

(2) What is the highest daily traffic flow for any six-lane highway in Australia recorded in reports or other documents available to the Minister, and where is this documented?

(3) What is the highest daily traffic flow for any six-lane bridge recorded in reports or other documents available to the Minister?

(4) What is the highest daily traffic flow for any tunnel recorded in reports or other documents available to the Minister, and how many lanes were there in that tunnel?

(5) In estimating the design capacity of a six-lane bridge, what allowance should be made in the theoretical capacity for adverse weather conditions of the type experienced by Perth in mid-winter, traffic instabilities and minor accidents?

(6) Referring to question 19 on Wednesday, 16th April, 1975, will the Minister please detail the changes in driving habits which are expected to prevent the Narrows Bridge traffic exceeding the theoretical capacity by 1985?

Mr O'CONNOR replied:

(1) to (4) There are numerous documents in the Main Roads Department's library and other libraries which the member can study in an effort to obtain this information.

(5) These factors are allowed for in the annual average daily traffic design capacity.

(6) With the growth of the metropolitan region there will be a greater growth in the off peak demand for this route than the growth in the peak period.

54. KWINANA FREEWAY EXTENSION

Select Committee Report on Road Safety

Mr MAY, to the Minister for Transport:

Referring to question 11 on Wednesday, 9th April, 1975 will he please advise how the relevant sections 109 and 110 of the House of Representatives Select Committee on Road Safety's report on roads and environment were taken into account in planning for the Kwinana Freeway extension?

Mr O'CONNOR replied:

Section 109 contains opinions of the committee, whereas section 110 contains recommendations which were considered in the development of the preferred route.

55. KWINANA FREEWAY EXTENSION

Tunnel Design

Mr MAY, to the Minister for Transport:

(1) Why does the Main Roads Department's study of the possible use of a tunnel preclude a tube with reversible lanes when such tubes are used successfully in a number of important tunnels?

(2) Referring to question 12, part (11) on Wednesday, 9th April, 1975, what tunnel situations are more nearly comparable to the situation reported in Appendix III of the MRPA report than the Limfjord?

Mr O'CONNOR replied:

(1) Two lane tubes are not significantly different in cost from the Main Roads Department's proposal when cut and cover methods are employed, but would not be as good operationally in this case.

(2) I am not aware of any comparable tunnels which have been constructed elsewhere in the world when a considerably cheaper and more acceptable surface route is available.

56. STATE HOUSING COMMISSION

Nonacceptance of Australian Government Cheques

Mr BATEMAN, to the Minister for Housing:

Why does the State Housing Commission refuse to accept Australian Government cheques drawn on the Reserve Bank of Australia at the State Housing Commission head office?

Mr O'NEIL replied:

The State Housing Commission head office does not refuse to accept these cheques. However, Treasury regulations preclude giving change on any cheques.

57. ALBANY HIGHWAY

Rerouting along Wimbledon Street

Mr BATEMAN, to the Minister for Transport:

(1) When is it anticipated Albany Highway will be re-routed along Wimbledon Street, Beckenham?

(2) Will the eventual re-routing through this area affect many properties?

(3) If "Yes" what properties will be affected?

Mr O'CONNOR replied:

(1) No time-table has been set.

(2) Detailed design has not been prepared but some widening on the south-west side is ultimately likely to be required.

(3) Answered by (2).

58. PRE-SCHOOL EDUCATION

Health Screening Scheme

Mr DAVIES, to the Minister representing the Minister for Health:

(1) What stage has been reached in arranging for the pre-school health screening scheme as proposed, I understand, by the Children's Commission?

(2) What arrangements are proposed for this State?

(3) Who will fund the scheme?

(4) What is the estimated annual cost?

Mr RIDGE replied:

(1) The pre-school team is in the process of formation and action is being taken to create the necessary positions under the Public Service Act.

(2) The proposal is for a multi-discipline mobile health team, based at the child health services centre in West Perth, to visit 50 registered child care centres, approximately 150 family care centres, and certain selected pre-school centres (kindergartens) in order to provide—

(a) A screening and assessment service for handicaps—physical, mental, emotional and educational—to a particularly vulnerable section of young children.

(b) The establishment of health standards for institutions involved in the delivery of services to pre-school children—

i.e. Environmental health, health standards of workers at the centres, health criteria for admission of children, nutrition, etc.

These functions will involve close working relations with the Community Welfare Department and the Pre-School Education Board.

The following personnel are proposed for this health team—

(i) Medical officer—child health

(ii) Social worker

(iii) Speech therapist

(iv) 3 trained nurses

(v) Typist.

(3) The Federal Government, through the Australian Children's Commission.

(4) The estimated annual cost when fully operational was $57 346 as at November of last year.

59. DEPARTMENT OF RECREATION

Establishment

Mr T. D. EVANS, to the Minister representing the Minister for Recreation:

What steps, if any, has the Government taken or does it intend to take to establish a department of recreation?

Mr STEPHENS replied:

None at this time.

60. SUBURBAN RAIL SERVICES

Loss on Operations

Mr MOILER, to the Minister for Transport:

In reference to an article in *The West Australian* newspaper Friday, 18th April, which states "This year the Metropolitan Transport Trust had taken over a loss on suburban rail services that could amount to $7 million"—

(1) When did the MTT take over the suburban rail service?

(2) Over what period of time and commencing at which date is the anticipated loss of $7 million likely to occur?

(3) Does the estimated loss of $7 million include any MTT bus services?

(4) What is the estimated loss on MTT road services over the similar time stated in answer to (2)?

Mr O'CONNOR replied:

(1) 1/7/1974.

(2) Year ended 30/6/75 (now $7.3 million).

(3) No.

(4) $7.7 million.

61. LOCAL GOVERNMENT

Long Service Leave

Mr HARMAN, to the Minister for Local Government:

(1) Has he undertaken an investigation to provide for portable long service leave for officers employed by local authorities?

(2) If so, when will legislation be introduced to bring about the necessary amendments?

Mr RUSHTON replied:

(1) Yes.

(2) The proposal is still under consideration and no final decision has been made. The question has been referred to the Local Government Association and Country Shire Councils' Association for their views.

62. ENVIRONMENTAL PROTECTION

CAPS Report: Recommendations

Mr DAVIES, to the Minister for Conservation and Environment:

(1) What action has been taken by the Government in regard to the recommendations contained in the CAPS report further to the information given by the Hon. Premier in answer to question 22 of 14th November, 1974?

(2) What is the current position?

Mr STEPHENS replied:

(1) and (2) Techniques for mathematical modelling of chimney stack emissions from various meteorological conditions are being refined in conjunction with the Public Health Department and with the ready co-operation of industry.

In consultation with senior staff of the Chemistry Department of the University of Western Australia a high sensitivity electron capture gas chromatograph is being purchased. This instrument will be housed in the University Chemistry Department for use in analysis of samples collected in air pollution tracer and associated experiments.

63. WATER SUPPLIES

"Free" Water Allowance

Mr DAVIES, to the Minister for Water Supplies:

(1) On what basis is the current "free" water allowance calculated for metropolitan consumers?

(2) On how many occasions over the past five years has the method of calculation been changed?

(3) What were the changes?

(4) What were the reasons for the changes?

Mr O'NEIL replied:

(1) There is no free water allowance for metropolitan consumers. One kilolitre of water is allowed for each 8c of water rate plus a flushing allowance of 23 kilolitres for each water closet.

(2) Three.

(3) 1971-2 From 1 000 gallons for each 21.5c of rate to 1 000 gallons for each 28c of rate.

1973-4 From 1 000 gallons for each 28c of rate to 1 kilolitre for each 6.15c of rate.

1974-5 From 1 kilolitre for each 6.15c of rate to 1 kilolitre for each 8c of rate.

(4) Budgetary considerations and metrication.

Mr Davies: Don't you know what "free" means?

Mr O'Neil: Yes, I know.

64. DISTRICT ENGINEER'S OFFICE

Transfer to Northam

Mr McIVER, to the Minister for Transport:

(1) Is it correct that the working strength of the District Engineer's Office at Narrogin will be transferred to Northam?

(2) If so, will he advise—

(a) what the transfers involve;

(b) the dates of the transfer;

(c) the reasons for transfer?

Mr O'CONNOR replied:

(1) No.

(2) Not applicable.

65. BROOKTON DISTRICT HIGH SCHOOL

Repairs and Maintenance

Mr P. V. JONES, to the Minister representing the Minister for Education:

(1) Have tenders been called for repair and maintenance work at the Brookton District High School?

(2) Is the upgrading and resurfacing of the netball courts included in the programme of work?

Mr GRAYDEN replied:

(1) Tenders for repairs and renovations closed on 29th April, 1975.

(2) Yes.

66. GNOWANGERUP HOSPITAL

Racial Discrimination

Mr DAVIES, to the Minister representing the Minister for Health:

Can he advise who conducted the investigations into alleged racial discrimination at Gnowangerup hospital?

Mr RIDGE replied:

The Assistant Matron on behalf of the Commissioner of Public Health at the request of the Minister.

67. TRAFFIC

Patrols: Cost of Overtime

Mr BATEMAN, to the Minister for Police:

(1) In view of the intensive police traffic patrols during weekends and holidays, what has been the cost of overtime since 1st June, 1974 until 1st April, 1975?

(2) What has been the cost of wages since 1st June, 1974 until 1st April, 1975?

Mr O'CONNOR replied:

(1) Estimated cost—$238 833.

(2) Estimated cost excluding overtime —$2 071 556.

QUESTIONS (7): WITHOUT NOTICE

1. MILK

Quotas

Mr H. D. EVANS, to the Minister for Agriculture:

(1) When were recommendations from the Dairy Industry Authority regarding negotiability of market milk quotas received by the Government?

(2) Has any determination regarding policy in connection with market milk quotas been made by the Government and, if so, what are the details, and if not, when is it expected a decision will be reached?

Mr McPHARLIN replied:

(1) The latest recommendations from the Dairy Industry Authority regarding negotiability of market milk quotas were received by me on the 19th April, 1975.

(2) The Government's policy regarding negotiability of market milk quotas will be made known to the Dairy Industry Authority in the near future.

2. SUBURBAN RAIL SERVICES

Wilbur Smith Report

Mr BRYCE, to the Premier:

(1) Has the State Government made a decision in respect of the Wilbur Smith report?

(2) Is it a fact that the PERTS Committee has made a recommendation to the Government in respect of the Wilbur Smith report that the existing system of suburban railways should be replaced by a bus system?

Sir CHARLES COURT replied:

(1) and (2) In view of the importance and complexity of the question, and the obvious desire of the honourable member to receive a considered answer, I suggest he places the question on the notice paper—he certainly gave me no notice whatever of the question—so that I may find more detail of the specific items to which he referred.

3. MINISTER FOR AGRICULTURE

Report of Absence from House

Mr SHALDERS, to the Minister for Agriculture:

It is claimed in an article in the *Sound Advertiser* of the 30th April, 1975, that the Minister left this House on Thursday, the 10th April—

(a) is this in fact true; and

(b) if not, why not?

Mr McPHARLIN replied:

(a) and (b) I thank the honourable member for some prior notice of this question. The claim that I left the House on the 10th April is incorrect of course, because I was not in the House on the 10th April. I had caught a plane to Canberra on that day to attend a meeting held the following day attended by Ministers from all over Australia responsible for the administration of the Rural Reconstruction Authority Act. At that meeting, members will recall that I put the State's case for an amount of $6.6 million, but that the Federal Government allocated only $5.1 million. So, to claim that I left the House on that day is incorrect.

4. SUBURBAN RAIL SERVICES

Wilbur Smith Report

Mr BRYCE, to the Minister for Transport:

I preface my question by saying that I can understand the Premier's reaction to my previous question; however, I was surprised that he did not know the answer.

The SPEAKER: Order! There is nothing to bar a Minister from asking that a question be placed on the notice paper.

Mr BRYCE: Can the Minister for Transport inform the House—

(a) whether the State Government has made a decision in respect of the Wilbur Smith report—

Mr O'Neil: You have already asked the question of the Premier; you cannot ask it again.

Mr BRYCE: Who is the Speaker in this House?

The SPEAKER: Order!

Mr BRYCE: My question continues—

(b) whether it is a fact that a recommendation has been made in the PERTS report

that the railway system be scrapped and replaced by a busway?

Mr O'CONNOR replied:

(a) and (b) In view of the fact that this question already has been asked, and that the honourable member has been requested to place it on the notice paper, I suggest he does just that.

Mr O'Neil: He is a slow learner!

5. TRONADO MACHINE

Symposium on Microwave Therapy

Mr J. T. TONKIN, to the Minister representing the Minister for Health:

Will he draw the attention of the Minister for Health to the fact that there was a very important announcement on the Australian Broadcasting Commission programme "AM" this morning regarding the symposium which is taking place in Washington relating to microwave therapy and ask the Minister whether he will endeavour to obtain a transcript of what was said and study it before he makes any decision with regard to the future use of microwave therapy?

Mr RIDGE replied:

I am not aware of the announcement that was made, but I will certainly convey the thoughts of the Leader of the Opposition to the Minister for Health and ask him to obtain a transcript of the report.

6. PRE-SCHOOL EDUCATION BOARD

Limiting of Functions

Mr B. T. BURKE, to the Premier:

Has the Government informed the Pre-School Education Board that legislation will be introduced on Tuesday which is designed to limit the board's function and to change its composition?

Sir CHARLES COURT replied:

My understanding is that the Minister has conferred with the body concerned; I would not be precise, but I understand he conferred with it yesterday. Knowing the Minister as I do, he will have conveyed to the board his intentions and the intentions of the Government regarding the legislation. I would not be prepared to go beyond that, because I was not at the meeting. But I do know that the Minister was having a meeting with the board and would have informed it as fully as was practical what was contained in the legislation, and the date of its introduction. I suggest the honourable member will have to wait until the normal procedures are followed.

7. DRY DOCK

Cockburn Sound: Study

Mr JAMIESON, to the Premier:

Will he make available for laying on the Table of the House a copy of the study into dry-docking facilities in Cockburn Sound which, I understand, was conducted jointly on behalf of the State and Commonwealth Governments?

Sir CHARLES COURT replied:

I understand this particular document is under consideration by the Governments concerned. I will undertake to discuss the matter with the Ministers directly involved, and give the Deputy Leader of the Opposition an answer on Tuesday.

BEEF INDUSTRY COMMITTEE ACT AMENDMENT BILL

Introduction and First Reading

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

Second Reading

MR McPHARLIN (Mt. Marshall—Minister for Agriculture) [2.57 p.m.]: I move—

That the Bill be now read a second time.

The amendment sought is a minor one to extend the operations of the Act until the 31st December, 1975.

The minimum price scheme was initiated at a time when the confidence of producers marketing prime cattle for the domestic market was at a low ebb; and it would be generally acknowledged that the ability to set a schedule has had the effect of restoring confidence and stabilising the market.

Members will recollect that the scheme was under pressure when heavy yardings occurred in late January. The committee called on producers to restrict yardings and livestock agents assisted by directly advising their clients and in some instances cancelled sales when the trade's domestic requirements were fully met.

I wish to record my appreciation of the work of the committee which has achieved all it possibly could in the circumstances—given its limited powers and an inability to impose supply management when this was considered essential.

In the absence of a marked and sustained improvement in export markets for beef there is a need for the scheme to continue.

Although the Bill provides for only a limited extension of the legislation, consideration will be given to additional amendments during the spring session of Parliament. I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans.

DOOR TO DOOR (SALES) ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Grayden (Minister for Consumer Affairs), and read a first time.

MINING BILL

Second Reading

MR MENSAROS (Floreat—Minister for Mines) [3.01 p.m.]: I move—

That the Bill be now read a second time.

The Bill before members is for the purpose of replacing the present 70-year-old Mining Act with new legislation designed to meet the needs of modern prospecting and mining, while at the same time providing adequate protection for other land usage and for the environment generally.

The measure is a most important one and follows a careful reassessment of the results of the 1970 mining inquiry committee, as well as the consideration of views expressed following my invitation last September for further submissions.

It contains provisions to ensure that prospecting and mining can be carried out under clear and concise conditions which will assist and accelerate the discovery of the mineral wealth of Western Australia.

The Bill provides the necessary controls required in regard to prospecting and mining in reserves of all kinds, including national parks and those for the protection of flora and fauna, in State forests and also on private land.

It reduces the 39 different types of titles provided in the present Act to the three basic requirements of a prospecting license, exploration license, and mining lease, with the additional two—ancillary general purpose lease and miscellaneous license.

Rights to prospect for all minerals except iron will be granted in prospecting and exploration licenses, and in the latter case provision has been made for gold and precious and semiprecious stone prospectors to obtain small areas on exploration licenses in certain circumstances.

Mining leases will give to the holder the exclusive right to all minerals other than iron. The right to prospect, explore, and mine for iron may, however, be included by the Minister. This control is considered necessary to ensure the rational and orderly development of this vast industry.

Safeguards and compensation to pastoralists have been provided while retaining the right of prospectors to seek for minerals without unduly restrictive prohibitions and conditions in regard to entry on pastoral leases.

Clauses have been included to prevent other Governments from obtaining control of mining tenements in Western Australia and to ensure that while due consideration is given to town planning schemes and local government by-laws, these will not prohibit prospecting and mining authorised under this Act.

The rights of holders of existing mining tenements are protected by transmission provisions allowing ample time for conversion to appropriate titles under the new Statute, or in some instances under the Land Act. Details are contained in the second schedule to the Bill.

Part IIA and division 2 of part XIII of the Mining Act, 1904-1973, relating to the long-defunct coal mines advisory board and coal committee are obsolete and are not now required. Division 1 of part XIII, however, provides for the existing Western Australian Coal Industry Tribunal and boards of reference, which will be more appropriately re-enacted as a separate Act under a suitable title.

The Bill is divided into nine parts, which I will explain.

Part I—Preliminary.

This part deals with the legal requirements in connection with the introduction and proclamation of a new Act, and the protection of the State's mineral agreements which have been ratified by Acts of Parliament, and which will accordingly remain in force.

It refers to the relationship with the Environmental Protection Act and also includes the definitions to be used in the new legislation. Here it should be noted that the term "mining" includes "prospecting".

Part II—Administration, Mineral Fields and Courts.

The administration of the Act and the procedures for the creation of mineral fields and warden's courts are set out in this part.

Part III—Land Open for Mining.

Division 1—Crown Land: This part declares, subject to and in accordance with the Act, all Crown land to be open for mining, and authorises general prospecting thereon in similar terms to the present provisions relating to miner's rights which no longer serve a useful purpose and are not continued in this legislation.

Clause 19 provides authority to exempt any Crown land from mining and the purpose of the provision is to allow such land to be examined in some detail by the Geological Survey Branch of the Mines Department, and where prospects for further exploration and development appear feasible and desirable, applications for mining tenements may be invited.

The clause also allows the Minister to refuse mining tenements where, in his opinion, prospecting and mining would not be in the public interest.

Clause 20 sets out the terms and limitations of general prospecting in regard to Crown land and particularly where such land is—

under crop or used as a yard, garden, orchard, vineyard, cultivated field and the like; or is

within 100 metres of the foregoing land.

Division 2—Public Reserves: Land specified in this division is open for prospecting and mining only under very special provisions.

In summary it is not proposed to grant mining or general purpose leases on Class "A" reserves or national parks in the South-West Land Division of the State, or in the municipal district of the Shire of Esperance or Ravensthorpe, without the consent of both Houses of Parliament.

It is considered logical, however, to permit prospecting and exploration on such reserves and parks with the concurrence of the Minister responsible for them, and with adequate restrictions to protect these areas. In this way the mineral potential can be established to enable Parliament to consider whether or not development should take place, and if so, under what terms and conditions.

In regard to other reserves, water catchment areas, and navigable waters, etc., provision is made for consultation with the responsible Minister, vested authority, council, or other body in control of the land, before prospecting or mining is permitted.

The Bill prohibits the granting of mining tenements on State forests or timber reserves without the concurrence of the Minister for Forests, and in all cases adequate protective and rehabilitation conditions may be imposed as the circumstances require.

Division 3—Private Land: This type of land is also open to mining only under very specific restrictions which are similar to those which have been in operation since amendments were made in 1970 to this part of the Mining Act, 1904-1973. These include—

a permit to enter limited to 30 days for surface sampling and marking out mining tenements;

notice of entry and application to the occupier and owner;

notice of application to the clerk of the council of the municipality;

no prospecting or mining on yards, gardens, orchards, vineyards or land under cultivation etc., nor within 100 metres of such land, without the consent in writing, of the occupier and owner; and

no prospecting or mining on the surface or within 31 metres of the surface of private land unless adequate compensation has been arranged.

Mineral ownership in land alienated before 1899 as set out in the present Mining Act, has been provided in the Bill, and the existing method of bringing such land under the Act by petition, has been repeated in a simplified form.

Part IV—Mining Tenements.

Division 1—Prospecting Licenses: The prospecting license is a two-year tenement to replace the present prospecting area, claim, or small temporary reserve held for prospecting.

The area of land in a prospecting license shall not exceed 200 hectares—that is, 494.2 acres—and such licenses may be granted by the warden after public hearing in his court.

To ensure that ordinary prospectors have an opportunity to prospect, it is not proposed to allow small areas of land to be blanketed, and accordingly, multiple prospecting licenses applied for by large-scale operators will be subject to ministerial consent.

Where more than one application for a prospecting license is made for the same land, the applicant, who first correctly marked it out, retains priority over the other applicants, and the holder of a prospecting license has priority in conversion to lease.

To prevent holders defeating the two-year term and to make the ground available to other prospectors, a cooling-off period of three months is provided upon expiry of a prospecting license, and, during this time, application by or on behalf of the last holder is prohibited.

The Bill sets out the rights authorised by the grant of a prospecting license, and the restrictions under which such rights may be exercised.

Division 2—Exploration Licenses: This mining tenement provides for a five-year comprehensive exploration of a large tract of land ranging from a minimum of 20 square kilometres—7.7 square miles—to a maximum of 200 square kilometres—77.7 square miles—with 50 per cent relinquishment at the end of the third year, and again 50 per cent relinquishment of the residue at the end of the fourth year.

Expiry is envisaged at the end of the fifth year and a similar three-month cooling-off period is provided to allow opportunity for new thinking and methods to be

introduced by other people. In exceptional circumstances, however, the term of an exploration license may be extended beyond the five years.

Application is to be made at the warden's office of the mineral field or district where the land is situated, and after a public hearing the warden will forward his recommendation to the Minister who makes the final decision.

The Bill spells out the rights and restrictions involved in the grant of an exploration license, and ensures that genuine exploration will be carried out by the holder, without material disadvantage to other land users and with as little damage to the environment as possible.

In accordance with representations by the Prospectors' Association, special provision is made for gold and precious and semiprecious stone prospectors to obtain small 10 hectare—24.7 acres—prospecting licenses on exploration licenses where such prospecting will not interfere with the large-scale exploration.

The exploration license replaces the present temporary reserve system with similar provisions to those applicable to current rights of occupancy to prospect.

Division 3—Mining Leases: This division provides for the grant of mining leases for the development and production of orebodies discovered by prospecting and exploration. The maximum area of a mining lease is 10 square kilometres—that is, 3.8 square miles—and any number of them may be held.

Applications are also submitted to the warden for open hearing and transmittal of his recommendation to the Minister.

These leases are to have an initial term of 21 years with provision for renewal for successive terms of 21 years.

The covenants and conditions which a lease shall contain are enumerated in clause 82, and further conditions may be imposed to suit each individual case. Reasonable conditions may also be imposed during the life of a lease to prevent, reduce, or rehabilitate injury caused to the surface of land by the mining operations.

Division 4—General Purpose Leases: Land to be held for purposes ancillary to mining is required at times for treatment plants, mineral stockpiles, tailings dumps, etc., and accordingly, provision has been made for the holder of a mining lease to obtain general purpose leases for uses directly related to development and production from the mining lease.

The general purpose lease will be limited to 250 hectares—that is 617.7 acres—each, and will remain in force during the life of the relevant mining lease.

The usual hearing in open court and the warden's recommendation to the Minister will enable all applications and objections to be thoroughly examined before title is granted or refused.

Division 5—Miscellaneous Licenses: Minor licenses for such things as access roads, pipelines, tunnels, bridges and so on, have been provided under this division which empowers the warden to grant such licenses after due notice, particularly to the shire council, and open hearing in court. Here again a miscellaneous license remains in force only for the life of the mining tenement for which it was granted.

Division 6—Surrender and Forfeiture of Mining Tenements: The Bill provides, as at present, that the holder of a mining tenement may surrender it, or part of it, at any time. Hence, clauses 96 to 101 allow forfeiture of mining tenements should the covenants and conditions not be complied with. Fines, in lieu of forfeiture, may be imposed where considered more appropriate.

Division 7—Exemption from Expenditure Conditions: Exemption periods have been increased from six months in the present Act, to 12 months in this Bill, because a yearly review is considered adequate in such cases.

Total or partial exemption from expenditure conditions of a mining tenement may be granted where good and sufficient reasons such as those set out in clause 102 are demonstrated.

Part V—General Provisions relating to Mining and Mining Tenements.

This part of the Bill deals in detail with many of the matters previously referred to in other clauses, such as marking out, surveying of mining tenements—other than exploration licenses and water which could not be effectively pegged—and the control of iron ore. It also contains provisions to protect pegs and notices, and for rents and royalties to be prescribed in regard to mining tenements and minerals.

Clause 114 covers the situation where mining plant, equipment, tailings, etc. are left on a mining tenement after it ceases to exist. Clause 115 authorises departmental officers to enter any land for geological surveys, sampling, and drilling, with reasonable notice and compensation to owners and occupiers for any damage.

Of particular interest to members will be clause 119 which has been inserted to prevent other Governments from obtaining controlling interests in mining tenements without Western Australia's consent through the Minister.

Also of note is the provision in clause 120 to ensure that while due account will be taken of town planning schemes and local government by-laws, these shall not prohibit the granting of mining tenements or veto mining duly authorised under this Act. Provision is made, however, for consultation, where necessary, with the Minister for Urban Development and Town Planning before lease applications are dealt with.

Part VI—Caveats.

The usual provisions relating to caveats have been included in the Bill to afford protection to people claiming an interest in a mining tenement.

Part VII—Compensation.

The extensive compensation sections of the present Mining Act in regard to private land have been retained to provide adequate protection for landowners and occupiers. In addition, provision has also been made for compensation to pastoralists for damage and loss resulting from mining operations.

Part VIII—Administration of Justice.

The establishment of wardens' courts throughout the State is continued as they provide a very conveniently decentralised system of mining justice, and the existing provisions which have operated satisfactorily under the present Act have been repeated in the Bill.

Part IX—Miscellaneous and Regulations.

In this part of the Bill the usual law enforcement provisions, general penalties, and regulatory powers have been written. Penalties have been increased generally, and it is noteworthy that provision has been made for company directors and officers to be also guilty of offences committed by companies with their authority, permission, and consent.

Clause 155 provides a special penalty of $1 000 for unauthorised mining on public reserves, State forests, and private and Crown land, plus a further fine of $200 for every day such offence continues.

Obsolete provisions in the present Mining Act have not been repeated. Some other provisions are considered more appropriate in the regulations which the Governor has the usual power to make.

First Schedule.

This Schedule lists the Statutes to be repealed and those to be amended.

Second Schedule.

Transition provisions already referred to are set out in detail in this schedule, and contain the additional provision for the Governor to correct any transitional anomalies by Order-in-Council.

Third Schedule.

The east locations listed in the third schedule to the Bill are those purchased by the Hampton Lands and Railway Syndicate Limited by agreement with the Governor of the Colony of Western Australia in 1890, which are also the subject of the special Mining on Private Property Act, 1899, whereby the company is authorised to work all the metals in these Crown grants. This freehold land was accordingly excluded from the present Mining Act, and the status quo has been maintained by a similar exclusion under subclause (6) of clause 27.

The Government intends to leave the Bill on the notice paper to enable an informed debate to take place in the very early stages of the spring sitting of this session. At the same time, I trust this courtesy will be reciprocated by the Opposition through placing any amendments on the notice paper well before the commencement of the spring sitting.

I am certain an objective and thorough study of the measure will convince all interested and experienced parties of the sincerity of the Government's endeavour. This endeavour, according to our policy, is to create security of tenure in an atmosphere of enterprise, to find and utilise our vast mineral resources, but at the same time to be able to guide an orderly, long-term development in the best interests of the State.

I commend the Bill to the House.

Debate adjourned, on motion by Mr May.

BILLS (2): MESSAGES

Appropriations

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

1. Acts Amendment (State Energy Commission) Bill.
2. Mining Bill.

FRUIT-GROWING RECONSTRUCTION SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th March.

MR H. D. EVANS (Warren) [3.28 p.m.]: This Bill is one which we on this side of the House agree with and support. However, there are certain aspects of it which we would like to see improved, although we realise the impracticability of that.

Indeed, this legislation has not been an effective measure in assisting the apple industry—certainly not to the degree we would like. Its value has been very limited for this reason. I point out that I raised very strong objections with the then Minister for Primary Industry (Mr Sinclair) and subsequent Commonwealth Governments. It seems that once something of this kind becomes established the level of assistance is determined and it is very difficult to have it amended in any significant way. So we find the level of assistance has not changed very greatly, and at the same time the inherent difficulties or shortcomings of the scheme remain.

The total amount in the fund has been and still is inadequate to reconstruct the industry to a very large degree. In addition, the rates of compensation per hectare which have been set do not provide sufficient incentive to the better standard grower

for the removal of some of his orchard, although he may contemplate moving to something else. Unless there is a definite incentive at a higher level than we have at the moment, the industry is not very attractive from that point of view.

The question of provision for replanning is still something which needs to be rectified. I would say our main hope for export apples in the long term probably would be the varieties sought in South-East Asia. Western Australia grows Granny Smith apples predominantly. This is a particularly good apple, and we are geographically suited to its growing. However, unfortunately, it is not an apple that is accepted in South-East Asia. The people in that area prefer an apple comparable with the North American red delicious apple. A considerable number of delicious varieties are now under experimentation, and some of them compare most favourably in flavour and colour with apples from anywhere in the world. I see a strong possibility of the better styles and varieties of extra red delicious becoming popular in the South-East Asian markets.

The other point I wish to make—and I have referred to this previously—is that only nonviable orchards are eligible for assistance. It is probably worthy of mention that orchardists have varying degrees of involvement in and dependence on the orchard industry. Some orchardists simply harvest the apples with a minimum amount of care and management; and, of course, these are the ones who are most likely to drop out. Others to varying degrees operate their orchards in conjunction with other diversified industries, and we have a vast level of interest in relation to their management and production costs. So we are left with a small nucleus of specialist growers who regard their orchards as their main source of income and their main interest. The results of some of these orchardists have been quite outstanding, and I will refer to the range of production and the range of costs involved when I come to that point presently.

These shortcomings are borne out by answers supplied to me by the Minister on the 8th April. It can be seen from the second reading speech of the Minister that the tree pull scheme has accounted for the removal of 123 hectares of apple trees; and to date a total amount of $66 000 has been approved in respect of 31 growers at an average rate of $531 a hectare. If we have regard for the annual orchard figures for the last four or five years we find that in 1971-72 there were 4 508 hectares of apples. In 1972-73 the figure was 4 229, a decline of 279 over the previous year; and the total area affected under the tree pull scheme was 123 hectares. In the subsequent years we find that in 1973-74, 339 hectares have been removed from production; so the State's overall apple orchard has decreased by that amount. The estimate for 1974-75 is 260 hectares, and it is believed that a further 300 hectares will be removed in each of the following two years.

Therefore I do not think the tree pull scheme can be claimed to have contributed significantly to the total reduction of the orchards of the State. I am not critical of the Government on that score. This has resulted purely from the economics of the industry. The overall intentions and desires will not be achieved unless additional funds are made available for this purpose. The tree pull scheme was designed in an endeavour to rearrange, reorganise, and rejuvenate the industry; but it is only one measure and the matter should not be regarded in isolation. At the moment the scheme is little more than a palliative. It is certainly not achieving sufficient reorganisation of the industry to enable orchardists to stay in business.

I think it is appropriate at this time that we have regard for the collapse of the beef industry. We are virtually looking at the need for further aid to the apple industry; and to all intents and purposes we are talking about the survival of the industry. Therefore, it is proper to look at the total problems of the industry at the moment. When we do that we find the present Government does not emerge with very much credit; on the contrary, it emerges in a very poor light.

I feel as I touch on several of the shortcomings of the present Government, while it was in Opposition and now as the Government, it will become evident that a great deal must be attained if we are to retain an apple industry of any significance. Production trends within the industry have been distinguishable for some years now. The problems faced by the industry are contributed to by a number of factors. It is not only the problem of increased costs, which have been escalating steadily; it is not only the problem of competition from overseas countries in our traditional markets; nor is it only the problem of economic and tariff policies in some areas, particularly in the European Economic Community. All these factors contribute to the problem the industry faces.

The figures are quite interesting. Incidentally, this is a submission I presented to the IAC when it sat at Bunbury; I made the submission in order to make a contribution to the analysis of the industry. The market in our traditional outlet for export apples, the United Kingdom, has been eroded by South Africa, the Argentine, and New Zealand. Australia's share of the United Kingdom market has declined in recent years and our competitors have advantages of various types.

South Africa has a labour structure cheaper than ours; New Zealand has a better industry organisation; and it is difficult to obtain reliable information in

respect of the Argentine situation. However, we do have a freight advantage over the South American countries.

This year, hopefully, the prospects will be brighter than they appeared earlier on, and it is interesting to note that shippers are actually looking for freight at the moment; whereas previously the outlook was not at all optimistic.

But the cost structures have reached a stage where it is very difficult to maintain an economic and viable operation. The home market has been very low in comparison with previous years. The home market, incidentally, is the one that is achieved between April and about Christmas from cool store apples.

It was folly in the extreme on the part of this Government when it was in Opposition to have treated the apple industry Bill in the way it did. One of the conditions in the apple industry Bill—and the necessity for it has been demonstrated clearly—was to have registered cool stores, because from these cool stores and their returns there would have been a market intelligence available that would have been of vital interest to each grower.

As it stands at the moment not only are the details of the apples in store not known —the varieties, quantities, and so on—but even the cool stores themselves are not readily distinguishable. The increase in cool store space in Western Australia in the last two years has been considerable, and it is one of the reasons that this year —at the premium time around Christmas —the apples during the Christmas boom were priced at from $3.50 to $5 a bushel. About four or five years ago $12 a bushel was not an unusual price; and many of the hills growers were able to take advantage of this market; they did very well out of it as they watched the market and used it to suit their own requirements.

But those days are now gone, because the cool store situation has expanded and the growers have not a clue as to the apples that are available, and when they should move them into the markets and when they should not. A short while ago I saw some of the best apples I have seen in my life; they were 2¾ Yates, which had been kept in a controlled atmosphere—that is with CO_2—under a developed technique of ventilation. These apples were truly at their prime. This was at Manjimup, and I know two growers who emptied bins containing 1 400 bushels of apples; they took them out of cold storage and fed them to their cows.

I asked one of the growers why he did not take a chance on the market, because it had cost him $1 for cold storage alone. He replied that the cost of picking was involved, apart from which he had to pay 50c for the banana crates and 10c a bushel for freight, etc., and that rather than risk losing 60c a bushel he was quite prepared to cut his losses and feed the apples to the cows. This is what he did.

This is the result of bad industry organisation. It is not only bad organisation but costly organisation. This was one of the inevitable consequences pointed out three years ago in this Chamber during the suggested approach to the apple industry legislation.

I did make reference to the cost of production, and I asked the Minister a question on where the surveys had been conducted recently. The Minister furnished me with a copy of the BAE report, but that was not the significant report for which I was looking at the time. The report that I wanted was a report of a mini survey conducted by his own department. This is the more appropriate report for the purpose which we are considering at the moment. I was able to obtain a copy of this report from another source and its contents are rather illuminating.

Sitting suspended from 3.45 to 4.04 p.m.

Mr H. D. EVANS: The problem of reconstruction of the apple industry should be appreciated, as should the difficulty of implementing a tree pull scheme or a subsidy scheme as a corollory to a support scheme. I would like to refer to some figures that have been released after many surveys by the department. These are fairly comprehensive and they indicate the costs of picking, costs of planting, and related maintenance costs without getting into the total costs of preparation for market. These are costs to the growers.

It can be shown that the range of costs extends from 90c to $2 per bushel. This is the cost of production of apples per bushel, taking into account the growing charges, packing costs, and the depreciation of plant and equipment. This illustrates further the point I have made that we could find a great variation between the standard of the growers and the production of orchards.

The same survey has shown a range of production per acre from 500 bushels to 2 000 bushels. Of course, in the case of the latter figure we are getting up to the specialist grower. This is the kind of problem that is inherent in the apple industry; the range of costs and the range of production can be very wide. So, that makes it very difficult to administer any scheme to help the grower.

Bearing that point in mind I would now like to refer to the savings that have been made by a syndicate in Manjimup, and these savings are fairly considerable. The syndicate comprises some 20 growers, and this year they will be exporting in the order of 80 000 bushels of apples. In organising thelmselves in this way they have been able to avoid some of the costs of the small individual growers. As a consequence the organisation of the industry is once more demonstrated to be absolutely essential.

The State Government has made available a subsidy of 40c per bushel to the apple industry; I might add that this is half of what it was last year. The State provides a subsidy of 40c and the Commonwealth provides another 40c, with a further 80c coming from the Commonwealth by way of stabilisation; and the growers receive in the order of $1.41 per bushel. Last year the figure was $2.80 per bushel, so the pressure on the growers has increased considerably.

The amount saved by the syndicate I mentioned from f.o.r. to f.o.b. alone amounts to almost the precise amount that the State is paying by way of price support. The saving is achieved in several ways, not the least of which is by tendering and handling. The agents, instead of charging 30c in commission have reduced the figure to 14c. This is just one item of saving brought about through large-scale operations by a group of growers acting as a syndicate.

The 40c is made up of a saving on precooling and on other charges; and also by obtaining a quote on the commission for services by the firms. In doing that the growers have brought the figure down substantially.

The costs of an individual grower in that syndicate dropped from $1.20 per bushel, which is the figure quoted in *The Countryman* recently, to something like 76c per bushel. There is another saving in the packing of bins. Instead of the grower getting 26 bushels per bin as is the wont, he is now getting 29 bushels per bin. This again is a further saving.

Not only that, but the members of the syndicate are receiving a better deal as well as a saving of 10 per cent on capital investment in cool stores and packing sheds. Furthermore, there is a bonus on trading. So it can be seen these growers are in a sound position, and the saving they have been able to achieve from f.o.r. to f.o.b. is about the amount that the State is paying in subsidy. In effect, the State Government is paying to the shippers an amount of something like $400 000, and handing it straight over, because the savings were evident at the time of the introduction of the Bill relating to the marketing of apples.

At the time these savings would have been operative, and they could have been extended to a far greater extent than this little segment I have indicated, through preparation of the fruit, pre-cooling, and bringing the containers to the ships' side. Further savings could be effected if this was followed through into the shipping of the fruit and the unloading of it at its destination. As was pointed out at the time the apple marketing Bill was before us, those savings could be very considerable.

When the present Government was in Opposition it had an eye to increasing the funds of the Liberal Party. The efforts which members of the party made to defeat that Bill have proved to be most deleterious to the industry. Some members of this House got around and did the job of the shipping agents. They incited the growers and misrepresented the Bill. That was done by individual members of this House and of another place for no other reason than to obtain votes and contributions to their party funds.

Mr Thompson: Absolute rot!

Mr H. D. EVANS: What they did was identical with what was done in the case of the Lamb Marketing Board.

Mr T. H. Jones: You are spot on.

Mr Thompson: Who did you say got the funds?

Mr Mensaros: I am sure the honourable member would not repeat his statement outside the House.

Mr H. D. EVANS: I would do that on one condition. If the Minister is prepared to table the records showing the party funds of the Liberal Party I will repeat the statement outside the House. How about that? Let us look at the contributions made to the funds of his party.

Mr Mensaros: I would recommend that if you would table the records of your party.

Mr O'Connor: The member for Warren is talking tripe.

Mr H. D. EVANS: I am just a little bit too close to the truth for the Minister.

Mr O'Connor: Tell me who has contributed to our funds?

Mr H. D. EVANS: I am talking in terms of the vested interests.

Mr O'Connor: Name one of the firms.

Mr H. D. EVANS: I shall not do that.

Mr O'Connor: Of course, you will not!

Mr H. D. EVANS: If the Minister is prepared to produce the records of the funds of his party I will name the firms.

Mr O'Connor: You should put up the records of the funds of your party. You are evading the issue.

Mr H. D. EVANS: To get back to the Bill—

Mr O'Connor: I bet you want to get back to it.

Mr H. D. EVANS: I wish to deal with several aspects, and the most important deals with the avenues for getting rid of the apples that are produced. At present the export market is not in a very happy state, and the home market has declined to a very marked degree for the reasons I have suggested.

There are also the avenues for disposing of the fruit by way of processing. Several fruit juice factories are operating in Manjimup at this stage; they are small, but they are the means of removing some

of the fruit from the market. It is regrettable that the firms which were processing apples for juice have not continued with their operations this year.

Mr Blaikie: Why?

Mr H. D. EVANS: I will tell the honourable member.

Mr Blaikie: It will make interesting reading.

Mr H. D. EVANS: Approximately 700 000 bushels of apples were used each year. The fruit itself is not so important because it is not marketable, and is generally small and marked. It does not measure up to standard under the provisions of the Act. However, it can be made into juice extract as it was by Bushe, Boake and Allen, and Plaimar Ltd. They were using apples to the order of 700 000 bushels each year—second-grade fruit. However, that production has discontinued and the reason was that the remission of sales tax was removed by the Commonwealth Government.

Mr Blaikie: And it cost the growers $500 000 last year.

Mr H. D. EVANS: It cost them $440 000, if I recall the figure correctly. The situation was that the manufacturers of non-alcoholic carbonated drink, who used 5 per cent fruit juice in their products, received a 15 per cent remission on sales tax.

A task force headed by Dr H. C. Coombs, in 1973, brought down a report which I will quote. This is significant and probably the whole crux of the problem. The report, in part, reads—

> A "disguised" expenditure directed towards assistance of Australian fruit-growers through an exemption from the general rate of sales tax.
>
> The present cost of the exemption is estimated at about $25 million per annum.

It would appear from the figures supplied by the soft drink industry in 1969 that the average cost of using concentrated apple juice in carbonated drinks, to secure the exemption from sales tax, represented about 4 per cent of the wholesale price. By expending 4 per cent of the wholesale price on apple juice the industry received a remission of 15 per cent in sales tax. Of this amount, 2 per cent went to the growers.

That was the attitude taken by the Coombs task force, and it became the policy for the industry.

Mr Blaikie: But that was a most important 2 per cent. You have already described it as coming from an unsaleable product.

Mr H. D. EVANS: It was. There was one further point which the member opposite seems to have forgotten. On the 23rd April last I asked the Minister the following question—

> Did the Western Australian Government make any approach to either or both of the fruit juicing firms, Plaimar Ltd. or Bush, Boake and Allen Aust. Ltd., to ascertain if it would be possible, with Government assistance, to keep the plants for processing apples for concentrated juice operating in the 1975 season, and if so—
>
> (a) on what dates were such approaches made;
>
> (b) to whom were they made;
>
> (c) what were the details of propositions suggested or discussed with the firm or firms?

The reply, in part, was—

> Both companies advised that there is no market in Australia or overseas for concentrated apple juice.

That is the point. This, of course, cannot be looked at in isolation. The situation of the carbonated fruit drink industry does not cover the total position. To highlight one facet of the problem is, to say the least, distorting it.

Mr Shalders: Are you in favour of the subsidy being removed?

Mr H. D. EVANS: The reply to my question continued—

> A Committee of Government and industry representatives was formed to examine the possibility of utilising the existing or modified plant for the production of alternative products.
>
> On the committee's recommendation, the State Government has approached the Commonwealth seeking funds for a survey of the total available market for apple juice products and financial assistance in acquiring and re-establishing a juice operation in this State.

Mr Blaikie: And what was the final answer?

Mr H. D. EVANS: No reply was received.

Mr Blaikie: From the Commonwealth?

Mr H. D. EVANS: That is right. I draw the attention of the member to the fact that half the sum of money which was made available by the Tonkin Government is now being made available by this State Government to the industry. Even if the amount had remained at the same level the growers would have more than sufficient funds to back a survey to which they have referred. Instead of sitting back and saying it will wait until Commonwealth funds are available, the present State Government should have undertaken that research in its own right, at least to the level of the assistance given by the Tonkin Government. That is certainly not the sort of action designed to assist an industry in Western Australia.

Mr Blaikie: What has the Federal Government done to assist the apple industry right now as compared with last year?

Mr H. D. EVANS: This is all the more reason that the State Government should have become involved, particularly in this area.

Mr Blaikie: What was the level of assistance this year, as compared with last year?

Mr H. D. EVANS: It was in the order of $1.20. The State Government has contributed 40c per bushel, whereas the Tonkin Government was up for 80c per bushel. Had that level been maintained adequate funds would have been available to conduct a survey. Funds have been sought from the Commonwealth.

As I said previously, the State Government does not come out very creditably at all when we have an overall look at the industry. As a matter of fact, the apple industry is just another one of the rural industries about which something could have been done if some initiative had been taken by this Government.

Mr Blaikie: That is a tongue-in-cheek remark to come from your side.

Mr H. D. EVANS: We support the tree pull scheme; it is something which is ongoing. It is something which will give a measure of relief to the industry—not very great relief but at least to a certain level. We would like to see the present Government take its responsibility a little more seriously, and provide finance at least to the level necessary to save the industry.

MR T. H. JONES (Collie) [4.23 p.m.]: The member for Warren has clearly set out the financial situation of the fruit-growing industry in Western Australia and it is not my intention to take up the time of the House by repeating what has been said. However, I would like to add my support to the tree pull scheme. As was indicated by the member for Warren, the scheme has not completely overcome the problems facing the fruit-growing industry in Western Australia.

The tree pull scheme was introduced in an attempt to make the industry more viable, and so that it could diversify its activities. However, the diversification has not brought the relief expected under the scheme. For that reason there is an urgent need for a reassessment of the fruit-growing industry.

Although the situation at present is not as bad as it was previously anticipated, there is considerable concern throughout the south-west and the great southern areas of the State regarding the future of the apple-growing industry in Western Australia. One does not have to be a Rhodes scholar to work out the future of the industry.

An article appeared in the *South Western Times* on the 15th April last which stated that 160 tonnes of apples had already been dumped at Donnybrook, and that further dumping will take place. This has not occurred in the apple industry for some years. However, when previously saleable fruit is now being dumped we realise quite clearly that the industry is not viable. That, precisely, is the situation in the fruit-growing industry today.

Mr Blaikie: That is not quite right.

Mr T. H. JONES: The member for Vasse can get up and make a speech when I resume my seat, but in the meantime I would like to continue. It is my firm belief that the fruit-growing industry in Western Australia is in need of an overhaul. It is also true to say that the industry does not control its own destiny, and that is one of its failures.

It is regrettable to see the position of the industry at present. A number of fruit growers now see the importance of the legislation which the Tonkin Government introduced. Many growers have told me that they were wrong in their outlook at the time when that legislation was introduced, and they can now see the adverse effects which have resulted from its defeat. We all know the result of the opposition to that legislation to control the apple and pear industry in Western Australia.

The member for Warren clearly indicated that considerable pressure was applied by the hills growers. No-one can argue against that. When the legislation was before this House the gallery was filled, as it was in the Legislative Council, when growers from the hills came to the House. Very few growers from the south-west were present. The member for Warren clearly indicated the reason.

Mr Blaikie: The Government dropped the Bill.

Mr T. H. JONES: As I said earlier, I will listen intently to the member for Vasse when he speaks, if he will extend the same courtesy to me! I am looking forward to that experience.

I am concerned that the fruit-growing industry does not control its own exports. It cannot be denied by any member on the other side of the House that the Western Australian shippers still control the export of apples from this State. We clearly indicated that point previously. The shippers have a vested interest in a number of orchards. Too many export companies handle the export of the fruit crop from Western Australia. Although the figures are not available to me, it has been indicated that approximately 12 companies handle the export of the fruit crop from this State. That means 12 managers and 12 administrators, and the fruit-growing industry in Western Australia is not in the position to pay that extra expense.

There is still an urgent need for someone to get down to business in an attempt to revitalise the industry so that reject apples can be used for juicing purposes.

Another matter which concerns me—and this was touched on by a previous speaker —is that when a group of growers formed

a syndicate at Manjimup to export apples overseas the price they received by tender was 14c per bushel. However, the general commission price was in the vicinity of 30c per bushel. It is clearly indicated that if a small syndicate enterprise is offered a price of only 14c per bushel, as against a commission price of 30c per bushel, a considerable margin is being retained by the shippers in Western Australia. That again prompts me to say there is an urgent need for something to be done to overcome the problems and the concern of the apple growers throughout Western Australia. No-one can deny that this concern exists and I do not think any member opposite can say that all is well in the apple-growing industry.

I do not claim we have the answer to the problem, but somebody must find that answer; otherwise, many orchardists, not only in the south-west but also in the great southern, will go out of business. Some action has to be taken, and it can be taken only by the present State Government. There is an urgent need for the industry to be overhauled. That is not only my view; it has been expressed by growers throughout Western Australia. I am sure members on the other side of the House who represent fruit-growing electorates would agree that the industry must receive some assistance. Those members must receive representations from growers expressing concern for the future of the industry. This matter has been raised repeatedly with me at Donnybrook, and in other areas of the south-west which are within my electorate.

I do not want to take up the time of the House, but, on behalf of the fruit growers of Western Australia, I wish to express the concern they have for the future of the industry. I hope the Government will tackle the problem, that it will grant some relief and give them the green light, or at least some indication of what can be expected for the future of this very important rural industry in Western Australia. With those words I support the Bill.

MR THOMPSON (Kalamunda) [4.30 p.m.]: I wish to say a few words on this particular matter. I was prompted to make a contribution by some of the remarks made by members opposite.

Reference was made to the Bill introduced by the Tonkin Government. I believe that measure, if passed, would have had a disastrous effect on the fruit growers in the State.

Mr T. H. Jones: You ask the growers. Go and see the growers in the south-west.

Mr THOMPSON: I still hold that view.

Mr Bertram: Have you any facts on which to base your belief?

Mr THOMPSON: The member for Collie suggests that we should get to our feet to make our contribution if we ask him to say something. So I would ask him not to interject as we did not interject on him.

Mr T. H. Jones: There were four of yours—I have three yet to go.

Mr THOMPSON: It is true that the executive of the Fruit Growers' Association was in accord with the Bill brought to the House by the Tonkin Government.

Mr H. D. Evans: It was unanimous at two conferences.

Mr THOMPSON: It may well have been.

Mr H. D. Evans: Not may well have been—it was.

Mr THOMPSON: There may well have been support for some change, but there was not unanimous support for the Bill finally introduced in this House. Some of the provisions incorporated in the Bill were acceptable to the majority of growers, but most of them were not. That was where the problem arose.

Mr H. D. Evans: By the time you fellows had stirred it up a little further, yes.

Mr THOMPSON: The Government brought the legislation to the House without the support of the industry. It had the support of the executive, but it did not have the support of the rank and file members of the industry, and there is a big difference. That measure demonstrated quite clearly that if the executive of one of these associations accepts something, we cannot assume it is necessarily the opinion of the rank and file members of that particular organisation.

Point of Order

Mr H. D. EVANS: On a point of order, Mr Speaker, the honourable member does not appear to have touched on the tree pull scheme at all. At least I mentioned it in my remarks as one facet of reconstruction. I do not think the member for Kalamunda has got within a bull's roar of it.

The SPEAKER: The member for Kalamunda is entitled to introduce his speech. As the member for Warren indicated, he himself roamed somewhat from the subject in hand and canvassed a much wider area. Presumably this is the introduction to the member for Kalamunda's speech. The member for Kalamunda.

Debate Resumed

Mr THOMPSON: I rose to support the Bill because I wanted to make a few remarks to rebut something that was said by two members on the other side of the House. I would like to say that not one additional apple would have been sold as a result of the Bill that came before this House during the term of the Tonkin Government, and that is what it is all about. Surely to goodness if we are to assist the industry, we have to find somewhere to sell the fruit.

Mr H. D. Evans: You have to reduce the costs—that is the only way to do it.

Mr THOMPSON: There is obviously a difference of opinion between myself and the former Minister on this subject. He seems to think the Bill introduced by the Tonkin Government would have reduced costs in the industry. I suggest that probably it would have increased costs—certainly it would not have reduced them. It is on this particular point that we differ. So I wished to point out to members opposite—

Mr T. H. Jones: You have not convinced me.

Mr THOMPSON: Could I just say to the member for Collie that although I work very closely with the fruit growers in my electorate, not one of them has said to me that he wished the Bill had been passed.

Mr T. H. Jones: Of course they wouldn't, with all the cool stores that are unlicensed.

Mr THOMPSON: The member for Collie said that I would have received representation to have that measure passed, but I must say not one person has supported that contention.

Mr Bertram: Have you asked them?

MR BLAIKIE (Vasse) [4.35 p.m.]: I wish to make a few remarks to this Bill after having been provoked—

Mr H. D. Evans: You are getting very touchy.

Mr BLAIKIE: —by some of the comments made by members on the other side. I also wish to indicate that I intend to support the Bill. I am a little concerned that while all the members who have risen in their places have supported the Bill, there have been many deviations in their speeches. They have spoken about extraneous matters that do not concern the Bill.

Mr H. D. Evans: Are you reflecting on the Speaker?

Mr BLAIKIE: I am reflecting on some of the speakers who have taken part in the debate. They covered many angles, and of course, they are entitled to do so.

Mr T. H. Jones: Are you not concerned about the fruit industry?

Mr BLAIKIE: I am concerned about the fruit industry, very concerned indeed, and the tree pull scheme is designed to be of some assistance to the fruit industry, not only in Western Australia, but also in the rest of Australia. This will be a subsidised payment to growers who can remove trees and be recompensed for some of the cost. They will be paid to get rid of the trees because of the grave concern felt for the industry.

The member for Collie referred to the dumping of apples. This is a tragic situation when considered in the light of the world scene. We are aware that food shortages exist in various places throughout the world, and in fact, people are starving in some countries. Yet in Western Australia, as told by the member for Collie, the *South Western Times* featured a distressing photograph of an area where some 160 tonnes of apples had been dumped. I will go further than that to say that in Western Australia this year approximately 15 000 tonnes of apples will be dumped—the fruit will be thrown away and destroyed. This is the quantity of apples that was made available by producers last year for juicing and processing. That tonnage will not now be required because the processors who used the apples are no longer in existence in this State. That is a deplorable situation.

Mr Skidmore: They were a rather shoddy proposition too.

Mr BLAIKIE: No member of this House could be happy at the prospect of some 160 tonnes of foodstuff being destroyed.

Mr Skidmore: Control of the industry is definitely indicated, is it not?

Mr BLAIKIE: That very inane remark made by the member for Swan—

Mr Skidmore: I do not think it was inane. What else do you want to do?

Mr BLAIKIE: —shows a complete lack of understanding and awareness of the reasons that this fruit is being thrown out, and why we are talking about a tree pull scheme today. The fruit is being thrown out because the Commonwealth Government—

Mr Skidmore: Overproduction of a product that has no market. It is as simple as that.

Mr BLAIKIE: This fruit will be destroyed because no subsidy is available to the carbonated water industry, and last year that industry took this quantity of fruit. It is as simple as that and now these excess apples will be thrown away.

Mr H. D. Evans: Don't forget the oversupply—don't forget that.

Mr BLAIKIE: The member for Warren told us that some $440 000 will not now be paid to the growers. I agree with the member for Collie, the member for Warren—

Mr T. H. Jones: The first time in history.

Mr BLAIKIE: —and with my colleague, the member for Kalamunda—

Mr Skidmore: Can't you agree with me?

Mr BLAIKIE: —that the industry is in a parlous state.

Mr H. D. Evans: Wouldn't you think the Government would do something about it?

Mr BLAIKIE: A critical situation exists in regard to agricultural products in the south-west, and particularly in apple and beef production. The producers cannot afford to lose $440 000, and we cannot

afford to throw away all this fruit. This has happened because of a very negative and totally unrealistic approach by the Federal Government.

Mr H. D. Evans: What has the State Government done?

Mr Bertram: Don't pass the buck.

Mr Shalders: Who is passing the buck? The blame is clearly on the shoulders of the Federal Government.

Mr BLAIKIE: In fact today we are talking about a subsidy for the apple industry by way of a tree pull scheme, but the additional subsidy that was paid to the industry previously to assist apple juice production has also been taken away. It is not the State Government which has taken the subsidy away, because the State Government did not give it in the first place. The Commonwealth Government took the subsidy away, and that is where the fault lies.

Mr T. H. Jones: Not all of it.

Mr BLAIKIE: The entire fault lies with the Commonwealth Government.

Mr H. D. Evans: What are you going to do about it? You have cut your assistance by half, and you are waiting for funds to do something about it.

Mr BLAIKIE: What I am going to do is to complain bitterly to the Federal Government. We have pointed out to the Federal Government time and time again that it has no realism, no compassion, and no understanding whatsoever—

Mr Bertram: Did you say no compassion? Good grief!

Mr BLAIKIE: —of the agricultural industry. It has no understanding of the problems faced by those involved in the agricultural industry.

Several members interjected.

The SPEAKER: Order! There are too many interjections.

Mr BLAIKIE: The time of this House could far better be spent debating the real merit and purpose of this Bill, instead of listening to the nebulous arguments put forward by members on the other side who have tried, with a tongue-in-cheek exercise—

Mr T. H. Jones: We are concerned—you are not.

Mr BLAIKIE: —to lay a degree of blame on the State Government. The blame has never rested on the State Government, and it does not today. With those remarks, I support the Bill.

MR McPHARLIN (Mt. Marshall—Minister for Agriculture) [4.42 p.m.]: Mr Speaker—

Mr T. H. Jones: This will be good!

Mr McPHARLIN: —I would like to thank those members who have contributed to the debate, and I will endeavour to answer some of the points raised. The Bill has been introduced to continue the tree pull scheme for a further period up to the 30th June, 1976. Some members who have spoken to it have been allowed a great deal of latitude in straying from the actual measure before us.

Mr T. H. Jones: It deals with the industry, though, doesn't it?

Mr McPHARLIN: It does deal with the industry, and we could mention many aspects of the industry, the problems facing it, and the reasons for them. We could go on for hours if we so desired. However, I wish to make a few comments which I hope will not be unrelated to what has been said, with a view to trying to have the measure agreed to.

I thank the members who said they supported the measure, because I think it is desirable. The first speaker, the member for Warren, said that the scheme was not as beneficial as it could have been. He made the point that once a scheme is operating with a level of assistance, it is difficult to increase that assistance. That is a good point. If we do not grant a reasonable allowance in the first instance, it is difficult to increase it at a later stage.

The reasons for the difficulties of the apple industry have been well canvassed. There are several reasons, and of course, we know that the increased freight expenses to the export markets is one feature that has had an impact on sales. Added to that, the market overseas is not as buoyant as it was.

Reference was made to the withdrawal of the sales tax concession; this move also had an impact because it cut down the volume of apples used for juicing. This has contributed to the dumping which has been referred to, and it is not in the best interests of the industry. It certainly was not in the best interests of the industry that the Commonwealth Government saw fit to remove the tax concession which previously applied; it has had a marked effect in reducing greatly the purchase of apples by fruit juice manufacturers.

Mr Skidmore: Has the industry given consideration to avoiding that situation? Has it shown any propensity to adopt such an attitude over recent years?

Mr McPHARLIN: Those concerned have endeavoured to find markets for their fruit.

Mr Skidmore: You are avoiding the question. Has any attempt been made to rationalise the industry?

Mr McPHARLIN: I believe it has adopted a responsible approach in regard to these matters. For instance, quite a number of growers have taken advantage of the tree pull scheme—

Mr Skidmore: That is what I hoped you would say.

Mr McPHARLIN: —to decrease their production. Members have referred to assistance which has been provided to the industry and to contributions made by the State and Federal Governments to assist the apple export industry of Western Australia. An amount of $1.214 million was made available to the apple export industry on a dollar-for-dollar basis by the State and Federal Governments.

In 1975-76, 80c a bushel will be paid for each bushel exported at risk to the European market; this scheme is estimated to cost about $560 000, again contributed on a 50-50 basis by the State and Federal Governments. So, the State Government is assisting the industry to the best of its ability and is endeavouring to relieve the predicament in which the growers find themselves.

Naturally, we are all concerned about the state of the industry; we do not like to see growers and producers in any industry suffering as growers in the fruit industry are suffering at present. We are endeavouring to assist the industry by finding fruit juice and other markets; private organisations are trying to promote the red apple market in areas such as the Middle East, Hong Kong, and Japan. I believe there is a prospect of markets developing for the fruit juice industry, although no firm assurances have been given.

Members referred in some detail to the problems being experienced in the industry. I do not intend to go into all the figures, costs and so on at great length, as I could do. I thank members for their support of the extension of the tree pull scheme for the period indicated.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr McPharlin (Minister for Agriculture), and transmitted to the Council.

RESERVE (KWINANA FREEWAY) BILL

Returned

Bill returned from the Council without amendment.

SUPERANNUATION, SICK, DEATH, INSURANCE, GUARANTEE AND ENDOWMENT (LOCAL GOVERNING BODIES' EMPLOYEES) FUNDS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd April.

MR MOILER (Mundaring) [4.52 p.m.]: The Opposition is in complete agreement with the intent of this Bill. Its purpose is to ensure the protection of the superannuation and other rights of local government traffic inspectors and others employed on traffic duties within local authorities who are to be absorbed into the Police Department as a result of the State's police takeover of traffic. I emphasise that it is to be a police takeover of traffic.

It surprises me a little that such a Bill should be introduced by the Minister for Local Government, and not by the Minister for Police; it concerns the Minister for Police a great deal more than the Minister for Local Government.

Mr O'Neil: The Minister for Local Government administers that particular Act.

Mr MOILER: The Minister may have explained the reason, but I feel quite sure that the Minister for Local Government knows less about this Bill than he knew about the Local Government Act Amendment Bill which he introduced recently.

All this Bill proposes to do is to ensure that people employed by local authorities will have their superannuation and other benefits protected when they go through the channels and become policemen—I emphasise "become policemen"—and are transferred from the Police Force into the Road Traffic Authority.

Mr O'Connor: Pretty desirable, don't you think?

Mr MOILER: It is completely desirable; this is why the previous Government advocated a police takeover of traffic. For the benefit of the Minister for Police, I will read out once again the Premier's policy speech relating to this matter.

Mr Bertram: Has this been carried out?

Mr MOILER: This is a beauty! The Premier stated in his policy speech as follows—

> We will make this authority—

That is, the Road Traffic Authority—

> —completely independent of the Police Force and give it the power to cover all aspects of traffic control, licensing, road safety and road and vehicle engineering.

Mr O'Connor: If you say it is a total police takeover, why did you oppose the Bill?

Mr MOILER: We did not oppose the Bill; we merely highlighted the hypocrisy of the Premier.

Mr O'Connor: You did oppose it. What about the hypocrisy of your party?

Mr T. H. Jones: We did not oppose it.

Mr O'Connor: Yes you did.

Mr T. H. Jones: That is just a cloak of lies.

Mr MOILER: We highlighted the fact that when in Government we stated that we would institute a police takeover of

traffic and in fact we were in the process of doing just that when we went out of office. We intended to absorb the traffic control duties of local authorities into one unit under State control except that our proposal would have been much cheaper and more orderly than the proposal put forward by the present Government. We are discussing this Bill now because of the obstruction of the Opposition when the Tonkin Government was in office in preventing us from carrying out our proposal.

Mr O'Connor: You have got yourself confused again.

Mr MOILER: Possibly; obviously the Minister is confused if he does not accept the fact that the Road Traffic Authority is just a branch of the Police Force.

Mr T. H. Jones: Even a recent issue of the *Police Gazette* states that fact.

Mr MOILER: That is true. I think that point needs to be clarified and highlighted once again. As I said, this Bill will ensure the protection of the superannuation and other benefits of people absorbed into the Police Force; they will continue to receive an entitlement to superannuation benefits for which they have contributed in the past.

It is amazing when we study the extremes to which the present Government will go to hide the fact that the Road Traffic Authority is to be under police control and represents a total police takeover of traffic. I see that the Minister for Local Government has returned to the Chamber. I should like to refer to his second reading speech when introducing the Bill.

The SPEAKER: Order! Is this in relation to the Bill?

Mr MOILER: Yes, Mr Speaker; I propose to quote an extract from the Minister's second reading speech, as follows—

> Clause 3 adds a new section 3A to the principal Act. Paragraph (a) of subsection (1) of this section provides that a person may be regarded as an employee of the Road Traffic Authority for the purposes of a local government superannuation scheme only if he—
>
> (i) has been appointed to a position as warden under the Road Traffic Act to an office within the Road Traffic Authority under the Public Service Act, or as a member of the Police Force for service with the traffic patrol;

We can disregard the mention of wardens, because under the Road Traffic Act, which legislation the Minister for Police introduced last session, they are nothing more than persons who carry out duties relating to the control of vehicles over pedestrian ways and children's crosswalks, parking areas and so on. A warden is a person who, invariably, would be employed part-time, and who is often seen standing in the middle of the road with a red flag holding up the traffic to allow school children to cross the road. I doubt whether those persons would be covered by this Bill, so I think we can disregard them in considering the remarks made by the Minister when he introduced the measure.

I now wish to make a pertinent point. When introducing the Bill, the Minister said that the only people who would be entitled to be covered under this legislation would be those who had been appointed to a position as warden, and so I have just explained, wardens can be disregarded under the provisions of this Bill. The Minister also went on to say that other persons entitled to superannuation under this Bill would be those who had been appointed to an office under the Public Service Act or as a member of the Police Force for service with the traffic patrol.

The point I am making is that the inspectors presently employed by local authorities will have to become police officers before they become eligible for superannuation under this Bill. To me, this emphasises the point we have made time and time again; namely, that the Premier, when speaking on any matter—

Mr O'Connor: When are you going to get on with the Bill?

Mr MOILER: I am onto the Bill.

Mr O'Connor: You are onto one we dealt with here months ago. It is boring to hear you repeating yourself so much.

Mr MOILER: What I am saying is worth repeating; my speech may be published in the Press.

Mr O'Connor: Is that why you are repeating it?

Mr MOILER: The point is that in his policy speech the Premier made promises, and one of the promises was that the Road Traffic Authority would not in any way be associated with the Police Force.

Sir Charles Court: Where did I use those words?

Mr MOILER: The Premier has given me an opportunity to repeat them. The Premier, in his policy speech, said, "We will make this authority completely independent of the Police Force."

Sir Charles Court: That is right.

Mr MOILER: Has the Premier done that?

Sir Charles Court: By independent Statute.

Mr MOILER: Rubbish!

Sir Charles Court: Is it not?

Mr MOILER: A person who wishes to become eligible for superannuation under this Bill has to become a policeman first. Therefore, can the Premier still say the Road Traffic Authority is completely independent of the Police Force?

Mr O'Connor: There are two separate sections operating.

Sir Charles Court: Do you want it any different from what it is? Have you checked with the people concerned?

Mr MOILER: I want it in the form the Labor Government proposed previously.

Sir Charles Court: What a shemozzle!

Mr MOILER: This Bill is almost identical with the legislation we proposed.

Mr T. H. Jones: It is the biggest shambles of all time.

Mr MOILER: The Premier, like his deputy, will say what he wants his audience to hear. That has been proved time and time again by the interjections the Premier makes. We, as members of the Opposition, are completely in agreement with this Bill. It will protect the very officers we intended to absorb in the police control of traffic.

Mr O'Connor: You mean the ones you were going to kick out.

Mr MOILER: No, we were not.

Mr O'Connor: You were not going to accept them if they were over a certain age, and you know it.

Mr Jamieson: That is not a fact.

Mr O'Connor: It is recorded.

The SPEAKER: Order! The member for Mundaring.

Mr MOILER: What does the Minister for Police propose to do with them?

Mr O'Connor: I told you a dozen times when we were discussing that legislation, so how about getting back to the Bill we are discussing now?

Sir Charles Court: It is not convenient for him to do that.

Mr MOILER: There is a very good publication which is circulated in the area in which I live and in the electorate I represent; it is titled *The Darline*.

Mr Thompson: It is a good publication!

Mr MOILER: Yes, I agree. Among other things, on the front page it states, "Traffic inspectors to become police". Then it goes on to list the inspectors employed by the Mundaring Shire Council.

Mr O'Connor: What has that to do with this Bill?

The SPEAKER: Order! Order!

Mr MOILER: It has as much to do with—

Mr O'Connor: With superannuation?

The SPEAKER: Order!

Mr MOILER: These officers will be covered by this Bill.

The SPEAKER: Order! I would like to remind the member for Mundaring to whom I have granted a great deal of latitude that the point he is now making has already been made by him on a number of occasions. I have permitted him to do that. However, I think, having made that point, he should not continue to reiterate it, but confine himself to the purpose of the Bill which he supports. I urge him not to reiterate the point he has made on a number of occasions.

Mr MOILER: Thank you, Mr Speaker. I appreciate that you acknowledge I have made that point. Therefore I shall not continue with it. I merely wish to add that we on this side of the Chamber support the proposals in the Bill.

I now suggest to the Minister for Local Government that this is a Bill which enables officers of local authorities to transfer from one authority to another. This procedure could well be applied to other areas of local government whereby any officer of a local authority, in transferring to another, would be entitled to carry all his benefits with him, because he has already gained the benefit of experience during the years he has been employed on local government duties. In other words, he should be in a similar position to a public servant who transfers from one department to another.

I am pleased to see that the Minister is making some note of my remarks, and I hope that, in a short space of time, what I am suggesting will come about. I repeat again that we support the Bill and we are pleased to see the Government adopting an attitude that was adopted by the Labor Government when it was in office.

MR RUSHTON (Dale—Minister for Local Government) [5.11 p.m.]: Naturally I am pleased to learn that the Opposition supports this legislation and therefore I do not think there is great need to dwell on it, because its provisions are self-evident. However, perhaps you, Mr Speaker, will be tolerant enough to allow me to make some brief remarks in reply to the debate.

Obviously the Opposition is totally confused on the role of the Road Traffic Authority which is related to this legislation in view of the fact that local authority traffic inspectors can transfer to the Road Traffic Authority. Obviously the Opposition is confused because if it believed the Road Traffic Authority legislation was different from its line of thinking it would not have opposed that legislation, because in section 13 of the Road Traffic Authority Act the Police Force is mentioned. Local government traffic staff will be employed as public servants and others will take on the role of patrolmen. The method of employing them is described in the legislation previously enacted. Obviously, this is the reason for the terminology used now.

Mr Moiler: What officers?

Mr RUSHTON: Police officers. Reference to a member of the Police Force is made in this Bill because—

Mr Moiler: I did not use the term "police officer". I said the inspectors would have to become policemen before being covered by your Bill. That is clear enough.

Mr RUSHTON: In the Bill reference is made to a member of the Police Force. This Bill is related to the Road Traffic Authority Act. It is obvious that that reference is made in the Bill because of the training of, and the standards that will be observed by, members of this new force that are to be employed by the Road Traffic Authority. So the Opposition is only practising guile and duplicity to suggest that some other issue is involved, because the provisions in the Bill are clear-cut. The fact that the Opposition supports the Bill clearly indicates to the outside world that in their hearts members of the Opposition accept what the Government is doing in traffic control.

Mr T. H. Jones: Rubbish!

Mr RUSHTON: The reason the Government has brought this legislation forward is that it is totally consistent and totally in accord with the Premier's policy speech in which he gave certain assurances. It is not long since that policy speech was made and so it is a credit to the Government that it is able to implement the Government's policy in such a short time. Most fair-minded persons would give credit to the Minister, who is responsible for seeing that the Road Traffic Authority legislation is implemented, for achieving this objective.

Mr Moiler: Do you refute that this is police control?

Mr RUSHTON: I certainly deny it.

Mr Moiler: Then why do they have to become policemen?

Mr RUSHTON: Because the training programme must be consistent.

I have discussed this issue with various councils throughout the State and more and more the councils are realising the true situation. Of course the Opposition was opposed to the inclusion of a large number of local government representatives on the authority, but this was done deliberately to involve local government in this very important work. Given time the authority will grow in stature by experience and the Police Force will be able to get on with its important main task of apprehending criminals and enforcing the law.

In supporting the legislation the member for Mundaring veered a long way from the real facts. He attempted to gain some mileage from an issue which is really dead because it has been proved that the Government is implementing its policy and that those who are entrusted with the administration of the authority are well on the way to making it an effective force in traffic control in this State.

In closing, I wish to state that the member for Mundaring referred to such issues as long service leave and superannuation and I want to stress that these matters are being given full consideration.

Once again I say I appreciate the somewhat confused contribution of the member for Mundaring who did not speak to the actual legislation for many moments, but dealt with other matters. However, I appreciate his contribution and his support of the legislation.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr Rushton (Minister for Local Government), and transmitted to the Council.

COMPANIES ACT (INTERSTATE CORPORATE AFFAIRS COMMISSION) AMENDMENT BILL

Second Reading

Debate resumed from the 24th April.

MR BERTRAM (Mt. Hawthorn) [5.21 p.m.]: The main purpose of this Bill is to approve an agreement known as the interstate corporate affairs agreement, and to give effect to arrangements made for the purposes of that agreement. Because the Opposition believes that the Bill is contrary to the best interests of the people of Western Australia it opposes it.

If this is a bona fide, as distinct from a political, measure, it is poorly timed; and if it is a political manoeuvre, as we believe it is, then it is clumsy and costly in time and money. It is, however, a typical conservative reaction to moves being taken and about to be taken by the Australian Government.

If it is a bona fide Bill for the betterment of company law and administration across the width of the nation, then it is poorly timed because, as members would be aware, the Australian Government has already introduced a Bill to the Australian Parliament to deal with the securities industry. I understand that that Bill has already been passed by the House of Representatives, has been, to a point, dealt with by the Senate, and is being considered by a committee of the Senate at the moment which has an obligation to submit its report before a certain date which is not very far off.

As the Government is also perfectly well aware—if it is not it ought to be and would be presumed to be—the Australian Government is also in the process of preparing a companies Bill which will be introduced into the Australian Parliament and which, if it turns out to be valid, will ultimately transcend the provisions of the States' companies legislation. Consequently why there should be the sudden panic is hard to understand.

There has been a need for uniform companies legislation for many years, but there was no attempt to set up an Interstate Corporate Affairs Commission until a few months ago. If the people of Australia were under an obligation and made to wait for uniform company law for all these years, surely it is hardly appropriate at this time, when the Australian Government is already in action and working on a national companies Act and national securities Act, suddenly to hop into action at the State level.

It would be argued that the purpose of this measure is to protect State rights against that horrible thing which is centralism and which, incidentally, is not something to which the Liberal Party is opposed. As I have reminded Parliament from time to time, according to its Federal platform, the Liberal Party does not oppose centralism. It merely seeks to tell the people of Australia that it is opposed to it well knowing that it is not.

Mr Nanovich: What nonsense.

Mr BERTRAM: The honourable member should have a look at the platform.

Mr Nanovich: I have; but you read it upside down.

Mr BERTRAM: The honourable member ought to know that the Liberal Party is not opposed to centralism and never has been. Furthermore history confirms that statement.

Mr Nanovich: I do not think so.

Mr Jamieson: He is getting back to thinking now anyway.

Mr BERTRAM: Perhaps what I am about to say will help the member for Toodyay in his thinking: It was one of his Governments which, on the 13th December, 1919, sought powers to extend temporarily the legislative powers of the Commonwealth in regard to trade and commerce, corporations, industrial matters, and trusts.

Mr Hartrey: That was Billy Hughes.

Mr BERTRAM: Yes, a member of the Conservative Party. Then again, not satisfied with that—and I am giving this information for the benefit of Parliament and the House, but more particularly for the member for Toodyay who is not acquainted with it and I am therefore assisting him—

Mr Nanovich: I do not require your assistance.

Mr Shalders: You used the word "temporarily".

Mr BERTRAM: I did indeed, and I will come to the member for Murray in a moment.

On the 4th September, 1926, the Commonwealth Parliament sought additional powers. This was again a Government of the same political colour as the member for Toodyay. That particular party says it is opposed to centralism but that is not stated in its platform.

Mr Hartrey: The person responsible for that was the most centralist person they ever had.

Mr BERTRAM: That Government sought to make laws with respect to corporations generally, with certain exceptions, and so on.

So where does the conservative Liberal Party stand on this question?

Mr Shalders: You are assuming that the 1926 stand is identical with the 1975 stand. The Labor Party may be that far out of date, but not our party.

Mr BERTRAM: Having provided his colleague with an argument, the member for Murray is now trying to shift his ground. Conservatives do not shift ground between 1926 and 1975; that is what we complain about.

Apart from the political angle, to which I will perhaps return later, this agreement we are being asked to approve is designed to establish an interstate commission and the principal idea of that commission is to bring about uniform law and administration in respect of companies and the securities industry.

If that commission were successful and functioning properly, this State Parliament, of course, could not function properly. This State Parliament could only malfunction. The Bill would therefore be taking away the rights of the State and the rights of the people—and the people are the State. Under the Companies Act people can at least be heard in the Parliament in an acceptable manner but under this set-up they will not be heard in the Parliament in an acceptable manner.

We are now being asked to approve an agreement; and it will be approved—it matters not whether or not it is a good thing for this State—because the Opposition does not have the numbers. The same situation applies to contracts between the State and companies, such as the one we dealt with the other night. The Parliament does not operate properly in that situation. The committee system is not worth two bob. The matter is finalised and accomplished before it hits here. That is true—and I hear no comments to the contrary.

That is what will happen with this legislation. If we have uniformity of company legislation in Australia, with something like six States and two Territories

being uniform, the Parliaments of each of those States and Territories will not be allowed to act.

Mr Thompson: The agreement which was introduced the other night could have been varied by this Parliament.

Mr BERTRAM: Pigs can fly! I am not talking about the strict theoretical aspect; I am talking about the practicalities and the performance that takes place here—and it is a performance.

The SPEAKER: I think this is a side issue.

Mr BERTRAM: With the greatest respect, Mr Speaker, I think it is the crux of the whole situation. We are in the process of taking away from the people of Western Australia an opportunity to have something to say in respect of companies. In case the Premier should rise to his feet with his usual line, this is no reflection upon any Administration in this State and should not be construed as such. It is perhaps an undue precaution.

The commission will go to work. It will be thoroughly decentralised because its headquarters will be in Sydney, New South Wales; not in Canberra. As the crow flies, Sydney is probably still further away. That is where the headquarters will be. Members of the commission and their advisers will work hard and hammer out complex legislation—and I suggest a great deal of the companies legislation is complex. They will bring out their respective Bills. Members of the commission will say, "That is very good; we will go back to our several States and Territories and introduce similar Bills." The implication is unmistakable, that when we have uniform legislation across the board in Australia each territorial and State Parliament must carry the same Bill. All States will have the same kind of law and the Parliaments will cease to function.

We already have this situation in respect of other matters. It is no surprise to the Government. When an amendment is required to legislation such as the Companies Act—which is as fat as one's fist and as complex as any legislation could be—the Ministers will meet together. The Minister of one State will get a provision through; the Minister of the next State will pull out his Bill, and then there will be a pow-wow, and so on. We cannot have uniform legislation of this kind and at the same time have Parliament functioning as a Parliament rather than as a rubber stamp. It is not possible and it is not appropriate.

It is no more appropriate for the States of Australia to legislate on companies than it is for them to legislate on bankruptcy, and because the people of Australia recognised that, we now have a Bankruptcy Act. It is not sensible to have the States legislating in respect of the banking industry, so we have one Australian banking Act. It is absurd to have multiple divorce laws and matrimonial causes Acts, so a conservative Liberal Government introduced Australian divorce legislation in or about 1959, and it is now a piece of Australian legislation.

It is therefore out of character to try to continue with a piecemeal Companies Act. On this occasion we agree with the conservatives opposite, or their predecessors, that the attempts in 1919 and 1926 to do what many people thought the Australian Constitution originally intended they should be able to do—that is, to legislate in respect of companies—were good moves. The concrete pipes case, which occurred at another time, appears to have had substantial effects upon the interpretation of the Australian Constitution, and I would not have been at all surprised had a conservative Australian Government brought down companies legislation in the same way as the present Labor Australian Government is doing. That is the obvious procedure; it will be better for the people and it will be more efficient. Ultimately, that will happen.

That is really our main concern—that if the commission functions properly and all the States have uniform legislation, the Parliament of this State will have to be a rubber stamp. It will have to malfunction. While that may be acceptable to members of the Government, it is certainly not acceptable to members of the Opposition. This is not a new aspect we have raised. We have raised it many times before and we will continue to raise it. One of our members wants to have a general committee system set up in this Parliament. I have suggested to him that before he gets on to that he should ensure our Committee system works.

It has been said the commission is acceptable to the business world. I would not know about that. I think perhaps it is equally not acceptable to many if not most of the members of the business world. But what about the public's interest? What is their attitude towards this matter? I suggest the public are entitled to be heard, and the best way for the public to be heard in respect of companies legislation is to have Australian legislation instead of piecemeal State legislation.

In reply to question 47 on today's notice paper, and particularly part (11) of that question, the Minister representing the Minister for Justice in this House listed the various organisations which were consulted for their opinions and submissions about this Bill for the setting up of a commission. Six or seven bodies were mentioned but I do not notice that the Trades and Labor Council, for example, was contacted. None of the bodies listed could be said to represent a public interest. Most of them seem to me to represent a vested interest.

While I am on that point, I was informed by someone who should know what he is talking about that the Australian Stock Exchange is in favour of legislation in respect of the securities industry being put before the Australian Parliament.

Sir Charles Court: It is not so keen about the Companies Act part of it, though.

Mr BERTRAM: I will come to that. It is not so keen about some of the contents of the Bill which is before the Australian Parliament, either, and it is raising objections. There is nothing wrong with that, and this is the time to raise objections; but the Australian Stock Exchange recognises that quite clearly this is a national question and should not be dealt with in a piecemeal manner. I suggest anyone with common sense would come to the same conclusion.

It is the public which it is sought to protect by the requirements of the Act; that when companies are being formed and are in the course of operation they should from time to time file certain information at the Companies Office in this State so that when a member of the public seeks to do business with a company he may go to that office and find out the information he requires—who comprises the company, whether or not it has any stability or is a five-minute wonder, whether it has any capital, and fundamental information of that kind.

In the arrangement proposed in this measure companies which establish branches in this State will no longer be regarded as foreign companies. Companies in the participating States—Queenland, New South Wales, and Victoria at this stage, and soon to include Western Australia—will come into this this State and will be called "recognised companies". They will no longer be foreign companies. They will no longer be required to file certain documents in the Companies Office in this State. Their obligations will be fewer; the cost of filing documents will be less.

So when Joe Blow—whom I notice in the last few months has been promoted by the Premier to "Joseph Blowe" in the articles he writes regularly for the *Daily News*—goes to the Companies Office, the information which has heretofore been available to him when researching a foreign company will no longer be available, and furthermore I think he will be obliged to pay higher fees. In the future, instead of going into the Companies Office and, on payment of a fee, looking at the file of a company, or obtaining the information by instructing his solicitor or professional adviser, under this measure he will have to instruct a professional adviser in, say, Queensland and have him search a company which has been incorporated in Queensland. That will be very convenient for the public, I must say!

Alternatively, he will instruct—where he would not previously have been obliged to do so—a professional man in Perth, who in turn will have to instruct a professional man in Brisbane to search the file in that city, with all the costs involved in the process. Are the public in agreement with that?

It is true in answer to a question put to him today the Minister said the Governments which are in the process of joining this commission are aware of the problem and will seek to overcome it. It will be interesting to see how they do it, and at what cost. This is a very real point which should be made quite clear; and it is just another factor which causes those on this side of the House to take the stance that we will not have a bar of this measure at all.

When all is said and done, there are only 3 732 companies incorporated in the States of Queensland, New South Wales, and Victoria which are trading in this State; and I suggest that we should be concerned more for the one million people who live here than for those 3 732 companies.

The Australian Government has stepped into the breach on the question of the securities industry, because the States have not faced up to their obligations in this regard. Securities industries legislation was introduced in this State Parliament for the first time only a few years ago. Prior to that it appears there was no legislation at all; and that notwithstanding that three or four years prior to that again I pointed out to the Parliament trouble could be brewing on that front and I was reassured—on what evidence I do not know because we were not given any—that all was well.

However, then the Select Committee under Senator Rae found all was not well; not only that, but it was thoroughly unwell. The States, having been given the opportunity to care for the securities industry, did not shape up; and when that sort of thing happens it is a good idea to have a change and to improve the performance.

The Australian Government has made up its mind that it will legislate on this question and is in the process of doing so. That is thoroughly desirable.

In order to implement this Bill fees will have to be increased. Again, that burden ultimately will be placed upon the people. In answer to part (10) (b) of question 47 on the notice paper today the Minister said—

> The increased fees were in part designed to offset the loss in revenue that must occur because of the lesser requirements that apply to recognised companies. For this reason and to preserve the stated aim of uniformity the increased fees are presently proposed for adoption in this State.

Before I conclude I would like to point out one or two other matters. It seems to me that the Premier's complete and utter lack of confidence in the Federal Liberal Party Opposition in Canberra is manifesting itself once again in this measure. He has no confidence in the Liberal Party's representatives for the State of Western Australia in Canberra, and one way of keeping the ball out of their court is to keep company law within the jurisdiction of the State Parliament. That is not good enough to protect the public of Western Australia. Whilst we share the Premier's complete lack of confidence in the members of his party in the Australian Parliament, we do not believe we should take it out on the people of Western Australia.

Members of the Opposition well recall how often conservative Governments in this place have told us, "We will not bring in this or that reform until we, being a responsible Government, have a look at it and check out everything so that there will be no mistake." Then when we take a halting step it is but a halting step rather than a decent, confident one. I refer for example to the establishment of the Small Claims Tribunal; that is but one example and there are many others.

When we have a Government of that philosophy suddenly and completely changing direction and pursuing a different course, that is the time when things look ominous. When someone departs from being consistent and changes direction, any person with common sense will wonder why. That is why we believe this reactionary move has been designed somehow or other to frustrate the Australian Government in its endeavours to bring about legislation for the whole of Australia, rather than persisting with the situation in which the six States and the Territories battle to achieve uniformity—which is almost impossible to achieve if the Parliaments of the States and the Territories do their jobs properly.

As I have said, we believe this Bill is thoroughly unacceptable. In those circumstances, and for reasons I have given and which speakers who follow will give, we oppose the Bill.

MR T. D. EVANS (Kalgoorlie) [5.54 p.m.]: The member for Mt. Hawthorn, who is the Opposition spokesman for matters affecting justice and law, has indicated our attitude towards this measure. It is my purpose simply to confirm his remarks; and I speculate I might take something like 10 minutes to do just that.

The Minister's speech notes indicate quite clearly the important role the Standing Committee of Attorneys-General has portrayed in the recent history of law reform in Australia. I refer particularly to the role of that committee in bringing down what became fairly uniform Acts relating to hire-purchase agreements. Its next major triumph, in 1961-62, was the very Act which is now the subject of amendment by this Bill; that is, the Companies Act.

In 1967 it was felt that the conference of Attorneys-General, ably supported as it has been—and I hope will continue to be—by its back-up officers, was not able to come to grips, because of time factors, with some of the conflicts and ever-changing situations confronting those concerned with company law. So in that year the company law advisory committee was formulated, headed by a then Federal judge, Mr, and now Sir, Richard Eggleston. That committee became known as the Eggleston committee and from 1967 until 1973 it was able to produce several reports which, generally speaking, were acted upon by the Parliaments of Australia. It can be said the committee was largely responsible for bringing about Companies Acts which, generally speaking, are as far as is practicable and desirable uniform throughout Australia.

This committee was made aware of the move by the States of New South Wales, Victoria, and Queensland subsequent to the announcement by the national Government of its intention to enter the field of company law in respect of the securities and exchange industry. The committee did not endorse that move. So a committee which has been highly respected since 1967—and two members of which are shown as being members of the proposed commission—did not endorse the setting up of this commission.

I have before me the transcript of a meeting of the Attorneys-General held—from memory, and giving or taking a few days—on the 22nd March, 1973, at Sydney. On that occasion the Commonwealth was represented by the then Attorney-General (Senator Murphy). He made a statement which time will not permit me to outline. However, in his statement he made it clear that the national Government intended to legislate in the field of company law for a securities and exchange commission. After he made that statement the various Attorneys-General made certain comments. The following is a comment made by the Queensland Attorney-General (Mr Knox)—

> I think it is to be interpreted that Senator Murphy has served notice in relation to this matter and has also confirmed it in writing to the respective Ministers.

So as late as March, 1973, the national Government had effectively served notice on the States of its intention to enter this field.

It is history, of course, that at this particular point of time the Rae committee, appointed by the Senate of the Australian Parliament, had brought down its report dealing with the securities industry field.

Again I pose the comments of the chairman of that meeting who was the then Attorney-General of Victoria. One might ask why was the Attorney-General of Victoria presiding at a conference of law Ministers being held at Sydney. I offer the brief explanation that this was to be the last occasion on which Sir George Reid would attend such a conference as he was on the eve of retirement, and as a courtesy, he was asked to chair the meeting. This is what he said—

> In regard to Senator Murphy's statement about legislating for companies on an all-Australian basis, he states that he is justified in taking this step, by reason of the recent decision of the High Court.

Sir George Reid further said—

> I do not think any member of this committee would see any satisfaction in the fact that the validity of Commonwealth legislation might be challenged. Therefore, I think that this is a case in which it might be prudent for Senator Murphy to keep in fairly close consultation with this committee,—

It was not a question of establishing some other committee; he referred particularly to this committee of the Attorneys-General—

> —because it may be necessary at some stage for supporting legislation by the States to be brought into existence to achieve this end.

I hasten to point out that the type of legislation we have before us can hardly by any stretch of the imagination be deemed to be supporting legislation of the proposed national legislation of the Australian Parliament.

We are told by the Minister that one of the main reasons for the bringing into operation of the Corporate Affairs Commission was to achieve greater uniformity in the field of company law.

Let us have a look and see what Sir George Reid had to say on this occasion. He said—

> The 1961 Companies Act was an exercise in uniform legislation, and other amendments we have introduced are achieving substantial uniformity. Further, I want to discount what I regard as a certain amount of ill-informed comment that has come from outside sources recently, suggesting that there is a substantial lack of uniformity among the States. I think that this committee—

Meaning the committee of Attorneys-General—

> —has achieved substantial uniformity in our companies legislation.

I agree with Sir George and I make the point that while we have a company law administered by the States, if it were to recognise the autonomy in its field of competence of each State Parliament, we could never hope to achieve, and nor should we hope to achieve, a standard form of company law, because Parliament must otherwise be relegated to being a rubber stamp. In this connection I agree with the comments made by the member for Mt. Hawthorn.

Mr O'Neil: All you agree with is the rubber stamp. You said it is not desirable to have total uniformity.

Mr T. D. EVANS: I do not think it is while we are to recognise the competence and autonomy of the individual State Parliaments. I repeat, I do not think it is desirable.

However, the Minister's comments in supporting this leigslation were to the effect that much more uniformity had to be achieved. I dispute that. I do not think it is necessary, nor perhaps is it desirable. Speaking of the Commonwealth's intention to enter the two fields concerned, Sir George went on to say—

> I think this is a matter where the various State Governments concerned might well at some stage have to co-operate or support the Commonwealth legislation, and I believe that this committee—

That is, the committee of Attorneys-General—

> —is the proper place where these matters should be discussed.

Having here the comments of the various Ministers time has required me to be selective in quoting them. This is what Senator Murphy had to say—

> In view of what has been said about what the Commonwealth could do, might I say this: I have been very impressed with what I have heard this morning around the table; there is a lot of commonsense in it.

So we have an indication that a spokesman for the national Government in this field was prepared to take notice of what the States had said. The stage had been set for an exercise in co-operation. But what do we hear next? Subsequent to the conference of the Attorneys-General held in Perth in July, 1973, over which I had the honour to preside, we had a letter from the new Attorney-General of Victoria floating the idea of a Corporate Affairs Commission, when it was known that at the next conference that was to be held in Wellington in 1974, Senator Murhpy and his officers, together with the State officers, were going to report on discussions that were held in between the Sydney conference and the Wellington conference about this co-operation that was expected to be engendered between the Commonwealth and the States. Senator Murphy was expected to make a statement in Wellington and shortly before

leaving for Wellington I received this letter from Mr Wilcox setting out his ideas of a Corporate Affairs Commission and asking whether Western Australia would join.

Sir Charles Court: Did not he at the Attorneys-General meeting make it clear that Victoria would not concede its corporate affairs to the Commonwealth? There was a public statement made after the meeting.

Mr T. D. EVANS: Yes he made that statement, but that is irrelevant to the argument I am putting forward here.

Sir Charles Court: No it is not.

Mr T. D. EVANS: I say that before I left for Wellington, and certainly it appears before he left, Mr Wilcox wrote a letter floating this idea of a Corporate Affairs Commission, and of renewing it immediately at the conference at Wellington—or a few days before the 27th-29th February, 1974—and on behalf of the then Government of Western Australia he was advised that we would not make any decision on his proposition until we had an opportunity to hear the statement made by Senator Murphy—the statement to be made between the dates the 27th-29th February.

We find that after the event the States of New South Wales, Victoria, and Queensland had entered into agreement on the 18th February. They did not have the courtesy at least to wait and hear the statement to be made by Senator Murphy which was to be supported by statements made by their own State officers and by Commonwealth officers.

So this scheme must be shown for what it is—a sham and a political gimmick, mounted to provide just one more obstacle to the desire, in the national interests, of the national Parliament to do the right thing by all concerned in regard to company law.

I confirm the opposition from this side of the House.

MR HARTREY (Boulder-Dundas) [6.10 p.m.]: I have some trouble in supporting this Bill, or even in comprehending it. The object seems to be to legislate concurrently for a function which *ab initio* was conferred by the Commonwealth Constitution upon the Commonwealth Parliament. I am known in this House as a champion of what is commonly called "State rights" and I see no particular wrong in the State concurrently exercising a power that has not been specifically taken from it and entrusted exclusively to the control of the Commonwealth. But where there does appear to be an intention on the part of the Commonwealth to exercise a power, which, *ab initio*, was conferred upon it by the Commonwealth Constitution itself, it does not seem wise to be precipitate in introducing concurrent legislation which the Commonwealth and the Constitution may justifiably override.

The Constitution itself as applied in 1901 contains an all-embracing provision in section 51. Section 51 has been called the 39 articles, because it consists of 39 subparagraphs which are called in law placita; each being a placitum. Section 51 of the Commonwealth Constitution reads as follows—

> The Parliament shall—

That is the Commonwealth Parliament—

> —subject to the Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to—

And then placitum No. (xx) reads—

> Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth:

The expression "foreign corporations" does not necessarily mean companies which are incorporated in countries of foreign allegiance. It would not, for example, include a Canadian corporation, because that would not be foreign in that sense. It would not include New Zealand, but it would certainly include German, French, or Russian corporations. The provision would not and could not include a company incorporated in any of the States, because each of the States is within the territorial limits of the Commonwealth.

The Act we have before us gives no definition at all of a corporation or a corporate affair. The legislation is to be called the Corporate Affairs Act, and it is going to embrace, as a schedule, the Interstate Corporate Affairs Agreement. It does not, however, say what a corporate affair is and it sets out amendments to our Companies Act.

The Companies Act defines a corporation and it also defines a company; but are these definitions in the same words as the definitions in the Queensland Companies Act, in the New South Wales Companies Act, or in the Victorian Companies Act?

The legislation may make confusion worse confounded unless we know when voting on this Bill what is a corporate affair and what is the type of corporation which is intended to be included.

Under our Companies Act a corporation sole is not included and neither is any corporation which is now a public company under the control of a public authority or instrumentality of the Crown. The specific reference is only to the Companies Act.

I do not want to give a learned dissertation on company law, for the very good reason that I could not do so. I do not know much about company law at all, but I can read, thank God, and I have some comprehension of the interpretation of Statutes.

I think we may be in some trouble, because neither the schedule nor the Act defines a corporation at all. For example the Presbyterian Church is probably a corporation. If so, what effect will the legislation have on that body? It is certainly not a foreign company, and it would certainly not come within the ambit of the Commonwealth Constitution. It is not a financial or a trading company, but it would be a corporation. So what does it all mean when it comes to be sorted out?

Sitting suspended from 6.15 to 7.30 p.m.

Mr HARTREY: Before the tea suspension I was pointing out there were some problems to be faced in the interpretation of the statutory provisions in the Bill. The schedule which is intended to be part of the Companies Act does not contain a definition of "corporation" or "corporate affairs". Of course, that would mean in so far as the Companies Act itself defines those words that definition will apply to the schedule, whether or not the schedule would have the same meaning in Victoria, Queensland, and New South Wales. During the tea suspension I had the opportunity to speak to two officers of the Companies Office and they assured me—and I accept that assurance—that the meaning of the words "companies" and "corporation" is the same in the other States concerned—Queensland, Victoria, and New South Wales.

That overcomes one difficulty I mentioned, but it does not overcome the other one: that a corporation is a corporate body. As I understand the position a corporation possibly includes the Subiaco Football Club, certainly the Kalgoorlie Tattersalls Club, and even the Old Timers' Association at Norseman.

The word "corporation" in our Companies Act does not exclude those organisations; in fact they are specifically included, because the definition in the Act, and this interpretation will apply to the schedule to the Bill when it is incorporated in the Act, is as follows—

> "corporation" means any body corporate formed or incorporated whether in the State or outside the State and includes any foreign company but does not include—
>
> (a) any body corporate that is incorporated within the Commonwealth and is a public authority or an instrumentality or agency of the Crown;
>
> (b) any corporation sole; or

The expression "corporation sole" means that one person alone constitutes a corporation, and any person who succeeds to his office—that is, succeeds the one man who is a corporation sole—becomes the corporation himself so long as he holds that office. That is not included in the schedule to the Bill.

To continue with the definition of "corporation"—

> (c) any society registered under the provisions of the Building Societies Act, 1920;

However, any society incorporated under the Associations Incorporation Act, which extends to a great number of nonprofit corporations in this State, would be included. What is the purpose of incorporating in our Companies Act a schedule which could extend, and does extend prima facie, to a great number of nonprofit organisations which are incorporated under the Associations Incorporation Act?

I refer to the definition of "company" in the Companies Act. It is as follows—

> "company" means a company incorporated pursuant to this Act or pursuant to any corresponding previous enactment.

So, a "company" would refer ony to a Western Australian company, and the definition can refer only to a company registered in this State and not one registered in New South Wales.

I can see nothing to recommend the proposition that we should hastily prepare an Act of Parliament in anticipation of four States at present agreeing, and possibly two other States later agreeing, to have a kind of concurrent uniform Companies Act, to run parallel with a Federal Companies Act which the Australian Government has power under the Constitution to extend to all the States. If the Federal Act is passed, Western Australia could not legislate in any way inconsistent with that Act, by reason of section 109 of the Constitution. In respect of anything a State did under a concurrent power which conflicted with a Federal Statute, the Federal law would overide the State law. What is to be gained by passing the Bill before us? I cannot see any gain at all.

I do not say that I am not 100 per cent in favour of the State exercising its constitutional powers, and of the Federal Government keeping its hands out of the States' constitutional powers; but I would also prefer this State to keep its hands out of the Federal constitutional powers, when confusion is caused by so doing.

I contend seriously that the Bill should be rejected for obvious reasons. I am sure there are good sentiments behind the Bill, but good sentiments do not make good laws. I say that common sense is what makes good laws. Despite what anybody might say, common sense is by no means divorced from Statute law. I could instance examples where we have passed a couple of stupid laws in this Parliament, but generally speaking we do not divorce common sense from Statute law. For those reasons I condemn the proposals contained in the Bill.

MR O'NEIL (East Melville—Minister for Works) [7.38 p.m.]: For reasons which I am aware of and appreciate, two of the

three members of the Opposition who have spoken to the measure are absent from the Chamber. They have both indicated their reasons, which are accepted. There are many occasions when members are required to be absent from the Chamber because of business in their electorates.

Despite their absence there is still a need for me to answer some of the queries they have raised. We make no excuse for introducing this legislation. Other than the member for Boulder-Dundas, no other member on the Opposition side has made any particular reference to the provisions contained in either the Bill or the agreement which is the schedule to the Bill.

It is true that the four non-Labor States in Australia have joined together to form an Interstate Corporate Affairs Commission. Anyone with half an eye to see with will realise there must be a political implication in such a move, because so far the Labor States have not joined with us. Our reason for introducing the Bill is based on political grounds, and we make no excuse for that.

In this debate the previous Attorney-General gave some history on how this Bill and how the establishment of an Interstate Corporate Affairs Commission came about. He referred to a conference of the Standing Committee of the Attorneys-General in March, 1973. I think it was on the 29th and 30th of March that year. Some delegates thought they were attending the funeral service of the Standing Committee of the Attorneys-General, because in the first five or six lines of the transcript the then Federal Attorney-General (Senator Murphy) indicated the Commonwealth's intention to introduce an Australian Companies Act. It is true there is a right for jurisprudence over companies being vested in the States. Up to this point of time every State has its own companies law, and over the years the Standing Committee of the Attorneys-General has determined on producing a piece of company law which, to the best degree practicable and where desirable, is to be uniform.

The words "where desirable" are not mine but those used by the previous Attorney-General who on the present occasion is opposing the Bill on behalf of the Labor Party. It is admitted that we do not want uniformity for uniformity's sake. Uniformity should be adopted only where that is desirable. It so happens that the Companies Act, which is a big volume with amendments about half the size of it, basically contains a great degree of uniformity.

In speaking about the principle of uniformity for uniformity's sake, a committee of the Departments of Labour and Industry of the various States met on a number of occasions to introduce uniform packaging legislation, and I was present at a number of those meetings.

We think from the point of view of commerce, trade, and the consumer, that there ought to be uniformity in packaging laws in respect of size, markings, weights, and so on; and that certain practices should be outlawed, such as the use of expressions like "king size" which are misleading.

All the States agreed they should introduce uniform legislation in this respect. However, we found that State by State we could not implement all the provisions of a uniform law together. In some States it would take three weeks to achieve the situation to proclaim that part of the Act, whereas in other States it would take three months.

In Western Australia we experienced very great difficulty in respect of the size of bottles—the bottles which were manufactured in the Eastern States. I have forgotten the size, but they might have been 26 fluid ounces. Because of the mass consumption and use of these bottles, the other States could change over to the new size very quickly. No bottles were manufactured in Western Australia, so the surplus in the other States was sent to Western Australia.

For that reason we had great difficulty in trying to dispose of those bottles with a view towards moving to uniformity. At the time I refused to put Western Australia in a position where it would have to buy bottles of a certain size manufactured in the Eastern States, and discard the remaining life in the bottles we already had here.

However, as time elapsed we were able, by regulation, to introduce that particular provision. That was one example, although I admit it is a very trite one, where one should adopt uniformity where uniformity is desirable.

The previous Attorney-General agrees with that principle. At the particular meeting of the Standing Committee of the Attorneys-General to which he referred he mentioned—I do not know whether he actually mentioned it but my recollection of the transcript is to that effect—that he was attending the last meeting of the Attorneys-General; that they were, in fact, attending the funeral service of the Standing Committee of the Attorneys-General, because in the first five or six lines of the transcript Senator Murphy—whom I have come to know very well from attending the Constitution Convention—does mention that the Australian Government intended to introduce an Australian company law Bill. Therefore, if the Commonwealth ever achieves it—and it now proposes to try—most of the items on the agenda of the Standing Committee of the Attorneys-General will disappear. Since that meeting no item relating to company law has ever appeared on the agenda—none. The two Labor States said they would go along with the proposal but

the non-Labor States said, "No. We agree there is need to maintain uniformity which currently exists, but we will not accept uniformity of company law if it means surrendering the undoubted rights of the States."

The member for Boulder-Dundas said he objected to the Commonwealth intruding into what he referred to as the legislative authority of the States. He is less a centralist than most of his colleagues. He also said he does disagree with the Commonwealth exercising its constitutional powers in law which obtains. Perhaps that is acceptable, but there is another provision in the Constitution which states in respect of certain things—not company law—that the Commonwealth has no right to intrude where the States have, in fact, previously legislated in that area. I am talking of the field of life insurance—certainly there is provision in regard to assurance.

Where the States have already legislated the Commonwealth cannot intrude. In the case of company law every State has legislated for the control of management of companies—every State. I do not think there has been an occasion where all the State Governments and the Federal Government have been of the one political colour; certainly not in my time as a member of Parliament. However, there has been uniformity as far as practicable and as far as desirable with regard to company law, and it has been looked at regularly by the Standing Committee of Attorneys-General. However, the standing committee no longer discusses matters of company law because of the edict of the then Federal Attorney-General (Senator Murphy).

I suppose what we are really doing is setting up an Interstate Corporate Affairs Commission which will take over the authority of the Standing Committee of Attorneys-General in an endeavour to maintain uniformity in company law in the participating States as far as is practicable and as far as is desirable. That is it; we make no bones about it.

I want to refer back to answer some of the questions raised by those members who spoke. I understand the position of the member for Mt. Hawthorn who referred to what he said were answers to question 47 on today's notice paper. Members are aware that I was unable to provide him with the answers to the question he asked, but I indicated I would provide the information sought in the question as quickly as I could. I said I would not proceed with this legislation until he had received the answers to his question.

A copy of the answers to question 47, asked by the member for Mt. Hawthorn, has been made available, and I point out that anyone who reads *Hansard* will appreciate that the information supplied was not available at question time. It is a pity the information was not available so that I would have been able to supply the answers because other than myself, the previous Attorney-General—the member for Kalgoorlie—and the member for Mt. Hawthorn, no-one knows what the answers actually were.

The member for Mt. Hawthorn was able to make some quotes which were, in fact, toying with the truth. His statements were not deliberate lies, but I want to give members some examples of what was said. The honourable member referred to part (11) of his question, and then went on to quote the list of organisations referred to in the answer to part (11) of the question. He said that in the reply there was no indication that the public of Western Australia, or the TLC, had been consulted. However, that is not what the question asked. The question did not ask whether the TLC or the public of Western Australia had been asked to express an opinion on the Bill. The question was a follows—

> (11) On what grounds have some of the business community in Western Australia opposed the Liberal Government joining the Interstate Corporate Affairs Commission?

On what grounds did certain members of the business community object to the joining? There is no question as to whether discussions had taken place with the TLC or the public, or the Greyhound Racing Control Board. However, the comments of the member would indicate that is what he asked.

What was said in answer—and it is necessary to refer to the reply in full because the member did not give my answer at all and it does not appear in *Hansard* because of the situation which I have mentioned—was—

> (11) Prior to joining the Interstate Corporate Affairs Commission submissions were sought from and received from the following bodies:—
>
> (a) The Law Society of Western Australia
>
> (b) The Institute of Chartered Secretaries and Administrators
>
> (c) Australian Society of Accountants
>
> (d) The West Australian Chamber of Manufactures (Inc.)
>
> (e) The Stock Exchange of Perth Limited
>
> (f) The Perth Chamber of Commerce (Inc.).
>
> Although they have not opposed the entry of this State into the Interstate Corporate Affairs Commission some of the bodies from whom submissions were received have indicated that in their opinion the major disadvantage to the commercial sector will be the reduction of information that will be locally available with respect to recognised companies.

The honourable member went on to make a feature of the fact that the headquarters of the Interstate Corporate Affairs Commission would be in Sydney, and he said that companies in this State would have to employ experts in Sydney to go to the office of the Interstate Corporate Affairs Commission to obtain information, and then relate that information back to Western Australia, and so on and so forth. However, the member neglected that part of the answer —I am sorry, I did not mean to say he neglected it; he skated over that part of the answer—which said that the Ministers concerned, and the officers concerned, were to examine ways and means of making information available quickly and cheaply. That is the situation.

The honourable member also asked why the commission was not set up in Canberra instead of Sydney. It is a darned sight harder to get to Canberra than it is to Sydney, and most members in this House who have been Ministers, or who have had to go to Canberra, will know that to be so. In my view Sydney is a far better place in which to have the office than Canberra would be. However, that is by the way.

The member for Mt. Hawthorn was critical of the fact that there was not sufficient uniformity. I do not know whether or not one can have "sufficient" uniformity. I think it is one thing or the other. The member said that because of the lack of uniformity the Commonwealth had stepped in. In other words, he was saying in essence the States were not shaping up to their responsibilities so Big Brother was to take them over. That is the very thing to which we objected for years in this country. Since we have had company law the degree of uniformity desirable has been achieved by the Standing Committee of the Attorneys-General. I think the committee meets about every three or six months, more regularly than most ministerial committees do. The purpose of the Ministers, particularly in this field, is to maintain uniformity which is desirable, and not uniformity for uniformity's sake.

The non-Labor States do not accept that Canberra knows best; we do not accept that.

Mr Hartrey: Except that the Commonwealth has the constitutional right.

Mr O'NEIL: If we admit that the Commonwealth has the constitutional right to enter into company law, okay. However, that does not mean it has the right to upset the existing company law in all the States.

Mr Hartrey: The Constitution says it has the right.

Mr O'NEIL: It may have the right, but not the irresponsibility so to do. There is no question in my mind, or in the mind of the Government, as to the reason for this Bill—none at all. We make no apology for it. It is passing strange that this having been done a certain official publication—I think fairly highly regarded—published a comment. I do not know much about *The Australian Law Journal* but I presume it is generally accepted.

In the August issue, of 1974, there appears a contribution. Unfortunately, the person who wrote it is not identified so I am not sure whether the article is a contribution, or the view of the Law Society. It is titled, "The Interstate Corporate Affairs Commission, and the Interstate Corporate Affairs Agreement of 18th February, 1974".

I must say here that I intend to talk about this agreement. Initially, three States—Queensland, Victoria, and New South Wales—agreed to form a Corporate Affairs Commission and later they invited Western Australia to join. The article indicates that the draft agreement had, in fact, been initiated by the three States mentioned.

The previous Attorney-General, the present member for Kalgoorlie, mentioned that he had been written to by the Attorney-General of Victoria, I think he said, inviting Western Australia to join. I do not intend to quote from the file which I have because I might be asked to table it and since it is not my file I do not know what it contains. However, I have not been able to find such a letter. Certainly, there is no answer. However, I am not denying it may well be that the Attorney-General of Victoria did write to the Attorney-General of Western Australia and invite this State to join, and it might well be that the State Government at the time could have seen fit to ignore the correspondence. That is by the way.

I will refer to the question asked by the member for Mt. Hawthorn as to who had been invited to join the commission. The officers of the Companies Office were not able to provide the information in the short time available. They endeavoured to find the information but were unable to do so. However, I understand the agreement contains provisions which enable any other State to join the Corporate Affairs Commission if it sees fit.

After that little interlude I will get back to what I intended to quote from *The Australian Law Journal* of August, 1974. Amongst the history regarding the development of the commission there are some rather technical comments. I am not a lawyer so I do not know what they are all about but I will quote part of the article as follows—

> The Interstate Corporate Affairs Agreement may be regarded as, to some extent, a milestone in Australian

> legal history. First, there is the fact of the conclusion of a formal agreement between three member States of the Australian Commonwealth on an important subject of legal and practical concern to the public generally, namely the operation of companies. One may wonder whether this heralds the beginning of the development of a kind of interstate law, to some extent analogous to international law, and thereby giving a new dimension to the term "co-operative federalism". Second, it is not to be doubted that the implementation of the Agreement will materially contribute to the unification and harmonisation of company law and practice in the three participating States.

With the passage of this measure, there will be four participating States. The author of the article believes it is a milestone in Australian legal history.

Mr Hartrey: It may be a millstone.

Mr O'NEIL: I do not know whether it is facing the right way—that opinion has not been expressed. Certainly it is a step forward in the aims of co-operative federalism. I notice that some Federal Ministers are using this expression. I had occasion to have a long discussion with a Federal Minister fairly recently on a matter of some concern to the State. We were able to reach agreement without my giving away very much on a matter that was of advantage to the State. He told me it was a typical example of co-operative federalism and that it was what he believed in. I told him that I hoped he would return and tell his colleagues that because we also believe in co-operative federalism and not centralism.

The article which I read to the House indicates that some very knowledgeable legal gentlemen have said that the legislation appears to be a positive step towards what we all want in this country—co-operative federalism.

I wish to raise one matter which is really outside the debate. It relates to the Bill itself and an error which appears on page 26, line 4. It is an error which cannot be corrected by the Clerks. It reads—

> Where a company or corporation is entitled pursuant to a declared law of the place of incorporation of a recognized company that corresponds to section one hundred and eighty.

The section referred to should be section 180X, and although the "X" appeared in the galley, somehow it appears to have been dropped when the Bill was printed. In many circumstances the Clerks can correct an obvious misprint but I believe they are quite right in saying that as there is a difference between section 180 and section 180X this could not be regarded as a misprint.

Having said that, I want to make the point that it is not our intention to move an amendment to this effect in the Committee stage. Members will appreciate that a Bill which has been amended has to be reprinted with the appropriate amendment and this may delay its passage. The matter has been brought to the attention of the Minister for Justice, and the amendment will be made appropriately in another place.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and transmitted to the Council.

BILLS (2): RETURNED

1. Registration of Identity of Persons Bill.
2. Parliamentary Salaries and Allowances Act Amendment Bill.

Bills returned from the Council without amendment.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd April.

MR JAMIESON (Welshpool—Deputy Leader of the Opposition) [8.08 p.m.]: Without wasting too much time, I will inform the House that we are opposed to the Bill. I hope that after I have had a few words to say, the Minister will think twice about this measure and withdraw it.

As the Minister indicated, the main purpose of the Bill is to amend the maximum rates permitted to be charged by the Metropolitan Water Board for the three services it administers; that is, water supplies, sewerage, and drainage. Having been in charge of this portfolio, I realise that the board has the capacity to increase its fees from time to time, and such a capacity is very often justified, particularly in times of inflation and violent change. However, in my opinion this measure falls down because there does not seem to be any necessity to increase the maximums applicable at the present time.

The rate charged in respect of residential water supplies is 4c in the dollar. The board has a maximum capacity of 10c in the dollar for this service; that is, it can impose a 150 per cent increase with the present legislation. All other water services are rated at 7c in the dollar, and the maximum is 10c in the dollar—giving the board

42 per cent to play with in that field alone, without worrying about other figures I will deal with later.

It is proposed to increase the maximum from 10c in the dollar to 20c in the dollar. This seems to me to be seeking a very steep increase, and one which is not really needed at this stage. As well as the increased rating power which the board already has, regular revaluations also increase its income. So one wonders whether this legislation is really necessary.

The same thing applies in relation to the sewerage service. The maximum rating for sewerage is 10c in the dollar on the annual ratable value of the land. The board is presently working on 8.3c in the dollar for all services, so there is not much capacity left in this field, although it is over 20 per cent. In the measure before us, it is proposed to increase the maximum for sewerage to 20c in the dollar.

The drainage rate at the moment is only 1.5c in the dollar on all services, with the present maximum capacity of 2.5c in the dollar. The board has an extra capacity for a 66⅔ per cent increase in this rating.

Of lesser importance are the areas which are rated on the capital unimproved value of the land. There are only five industrial complexes at Kwinana, and the ratings in these areas are governed by separate agreement Acts, so they will not be affected greatly by the legislation. However, for the record, the board is seeking an increase in respect of water where the rates are assessed on capital unimproved value from 1⅔c in the dollar to 3c in the dollar. The drainage rate for these areas is to be increased from five-twelfths of a cent in the dollar to 1c in the dollar. It appears that the board still has a capacity to increase the rates by 66⅔ per cent. The people who are rated under this scheme are presently paying 1c in the dollar.

One must ask the question: Why has not the extra rating capacity available to the board been taken up before the Government introduced legislation to increase the rates?

Yesterday I asked a question of the Minister as follows—

> What percentage increase in income would the Metropolitan Water Supply, Sewerage and Drainage Board receive if maximum rates were charged for all services, under the present maximum rate charges allowed by the Act?

And the Minister replied—

> The percentage increase in income would be approximately 60% but this would be dependent upon the prices determined for rebate and excess water.
>
> I have already advised that there is no intention of immediately increasing the rates to the maximums being sought in the proposed amending legislation.

I should hope not, because of the capacity that is already contained in the Metropolitan Water Supply, Sewerage, and Drainage Act without any additional increase by way of legislation.

Members will notice the Minister said, "approximately 60 per cent". The department has it in its hands to determine what the rate will be in respect of excess water, which would mean it would have an even greater capacity. I realise we have inflation in the community, but I do not believe the board needs a margin of 60 per cent to cover inflated costs. However, that is the margin it already has and can, on present valuations, achieve by increasing rates. The board might say that it does not want to go on to the maximum scale. However, let us look at the situation in respect of sewerage rates in PWD country towns. As you will be aware, Mr Speaker, from the days when you were Minister for Works, with the exception of about three towns the maximum was and still is being charged. There does not seem to be anything wrong with that.

Mr O'Neil: Other than losing $15 million a year.

Mr JAMIESON: Perhaps that is so, but the Government charges the maximum, and has not seen fit to tackle that situation. Although the Metropolitan Water Board is running closer to the margin, it is breaking even. I do not think this legislation should come before the Parliament for at least another two years. The capacity is there for an adequate increase in the rates, and the board should be made to exist under the present arrangements.

If the board increased the rate from the present 4c in the dollar to 8c in the dollar, it would represent a 100 per cent increase and, with a maximum of 10c, it would look as though the board were charging closer to the maximum than it would if the maximum were 20c. Of course, this might relieve the consciences of those people on the Metropolitan Water Board to whom the Minister referred as the protectors of the public purse. That may or may not be so; however, I believe the temptation is always there if there is a great capacity for rate increases to say, "We are charging only 8c in the dollar when the maximum is 20c; we are not even charging 50 per cent of the maximum."

I believe the board is failing in its duty if it does not make use of the present ratable capacity before coming to Parliament to ask through the Minister for a further increase. I would not like to see such a situation encouraged because the public has had a tough run in the way of increased charges. I do not blame the Government altogether for that, because I realise the problems of inflation, interest on capital investment, and that sort of thing with which the board must contend. I realise the board must balance its budget

and if it were cutting it very fine and wanted an extra margin, I would be inclined to go along with its request, as I am sure would other members of the Opposition. But at this stage, we cannot see any need for the proposal now before us.

The Minister glossed up his second reading speech by telling us who was on the board, and how good they were. I suppose that made a good lolly to sweeten the sour part in the centre of the speech. However, we are not going to be fooled by that. We realise it is necessary for the board to raise money, but while it may acquire it under the existing ratable capacity and in fact can operate for the next few years under this capacity, the Opposition sees no reason for the Bill. The Minister mentioned the 1 000 per cent increase over the last 10 years in the board's expenditure.

Mr O'Neil: On sewerage.

Mr JAMIESON: That is so. While the Government is clearing up the sewerage backlog, even with the Commonwealth part loan-part grant money, sewerage expenditure will continue to look very hefty because it costs a great deal more to install sewerage services in developed metropolitan areas—in fact, five times as much—as it does to put services in undeveloped areas. As a consequence, we will see a pickup in facilities once this backlog is cleared. However, this will not be for some years; I believe the original estimate was something in the order of 11 years.

Mr O'Neil: It was 8½ years.

Mr JAMIESON: But that would be give or take four years, depending on the circumstances. As I said, I do not believe there is a great need for this Bill. The Minister said it was not the intention of the board to increase rates to a maximum. We feel it would be desirable to use up the existing ratable capacity before amending the Act and as a consequence the Opposition does not see its way clear to support the legislation.

MR O'NEIL (East Melville—Minister for Water Supplies) [8.21 p.m.]: I thank the Deputy Leader of the Opposition for his knowledgeable comments on this legislation. As he said, for three years he was Minister for Works and Water Supplies and has a fairly good knowledge of the operations of the board. He commented about the reasons for describing the composition of the board in my second reading speech; he said it was done more or less as a bit of padding.

There was a purpose in including the composition of the board. What I was trying to do, through this place, was to get across to the public the standing of the people who make the determination as to the rates to be charged. I quoted the various sections of the Act which vest in the board the right to strike the rates. What I was saying is that even though it is very difficult to avoid criticism when charges are increased, at least in this particular exercise the ratepayers are well and adequately represented.

The financial interests of the board are particularly well represented in that the general manager, as I understand it, is an ex-Treasury officer of this State, and Mr Ken Birks who serves as the Treasury representative on the board is a very senior Treasury officer in this State. Acting on the board's advice, the recommendation to lift the maximum rates that may be charged has been accepted by the Government.

I think the Deputy Leader of the Opposition said he did not believe he should support this legislation because he imagined there was sufficient existing ratable capacity to cover the situation. That may or may not be so; it is a very difficult calculation to make.

Mr Jamieson: You would not want a 60 per cent increase in any one year.

Mr O'NEIL: We said that; we would not need it in any one year. Of course, there are two ways to strike rates: One is by providing in the Act a regulation-making power. However, most Parliaments object very strongly to government by regulation. The other method is by setting a maximum in the Statute; the regulation can be made within that maximum so that Parliament keeps a rein on the charges which these boards may place upon the people without the approval of the representative of the people. That is the situation in respect of this Act.

If we were simply to lift the maximum which may be charged to what perhaps would be a more acceptable figure, we could have the situation of having to bring the legislation back more frequently than otherwise would be necessary. I explained fairly carefully how the board is constituted to indicate the extreme care and, I trust, extreme caution exercised by the board when striking a rate from year to year. It is probably of some significance that the board did make inquiries of the Crown Law Department as to whether it would be possible to adjust the rate during the passage of the year—in other words, to strike a second rate. Apparently the Act does not permit that. I am not sure, but it may well have been that the board was considering an interim rate increase. At the moment, the situation is that once the rate is struck, that is what it must remain at for the balance of the year.

I made particular reference in my second reading speech to the expenditure on sewerage. I have had the opportunity to discuss with the Federal Minister, Mr Uren, the problem which besets this State under the national sewerage programme for picking up the backlog of sewerage programmes. As I understand the situation, some time ago it was decided that the national

Government would assist the States in overcoming the backlog sewerage problem.

It so happened that the problem was greater in the Perth region than in the metropolitan regions of the other States; this may well have been because we have a sandy type of country and for a long time septic tanks were an acceptable form of sewage disposal. This is not so in places like New South Wales, parts of Melbourne and Adelaide, because of the different nature of the soil. So, one finds that the other capital cities have a higher percentage of deep-sewered property.

Mr Jamieson: That is why Adelaide has about 98 per cent; they could not put the water anywhere.

Mr O'NEIL: That is right. I know there are parts of New South Wales, reasonably close to the capital, where development was being permitted four or five years ago on the old earth closet system—not even septic tanks! I refer to an area close to Liverpool, about 20 miles from Sydney, which has been zoned for urban development. The Government did not have the money to proceed with deep sewerage, so permits were issued with the full knowledge that the old pan system was to be used for residential development.

For the reasons I have explained, Perth has been able to use the septic tank system much more effectively than other States and, probably, Governments from time to time have not spent as much on deep sewerage as they might have done. I gave an example of what happened over the last eight years in this respect. I also understand that when it was determined to commence a national sewerage programme, a great deal of argument took place as to the time it would take to overcome the backlog.

The Commonwealth was anxious to get it done as quickly as possible and was talking about a five-year programme; most of the States, however, were talking about a programme of 15 or 20 years. The Western Australian estimate at that time was about 12 years; I think the Deputy Leader of the Opposition referred to that time schedule. Out of all this apparently came the compromise that the programme would be attempted to be completed by 1982 which represented, in round terms, about an eight or nine-year programme.

Western Australia has attempted to keep its part of the contract to accept the money and the responsibility of paying back most of it, at fairly high rates of interest—even when the 30 per cent diluting fund is taken into account—and, as a result, has found itself in a great degree of difficulty. I explained this fairly carefully to the Federal Minister and suggested to him that this may have been because of being too anxious to get on with the job and to co-operate.

Whatever the reasons, we find ourselves in trouble. It is understood from the grapevine by one of my officers that the other States are not proceeding with their programmes in such a manner as would overcome the sewerage backlog in the time stipulated. It has been suggested that the Federal Minister might examine some way of relaxing the time requirement in order that we can afford to carry on with the sewerage backlog programme.

To give members an example of the current financial situation of the board—admittedly this is preliminary; the figures were taken out at my request by the general manager, and indicate the probable 1975-76 financial position, and I stress the word "probable"—

The SPEAKER: Is the Minister relating this to the lift in the maximum?

Mr O'NEIL: That is right. It has to do with the reason for increasing the rate. I will not enter into a great amount of detail, but if it continues at the same rate, the probable deficit of the Metropolitan Water Board, in total, would appear to be in the nature of $10 million, of which $4.6 million was related to water, $5.1 million was related to sewerage, and something like $300 000 was related to drainage. So the case is there that if costs continue to rise at the same rate the board would find itself in some difficulty.

Finally, since the honourable member mentioned something about deep sewerage —and so did I—I asked for some figures to be collated on the earning capacity of some of the programmes which are proposed. The department has provided me with programmes for reticulation in various areas, together with the percentage return on the capital required to carry out these programmes. This information is as follows—

Area	% Return
Woodlands 9C	2.76
Scarborough 6A	2.81
Wembley Downs 5F	3.5
Woodlands 9D and 11A	3.79
Woodlands 10	3.11
Yokine 5A	1.89

Mr Jamieson: That is a very hilly district where there are many problems with rising mains.

Mr O'NEIL: It is extremely difficult to install a reticulation service which, on the rates now charged, will produce revenue of 6 per cent. As I have mentioned, the interest being charged is substantially higher than that, even allowing for the nonrepayable moneys.

However, I think I have explained the reasons for the increases. I appreciate nobody likes to increase rates and taxes. We are not doing that here today but we are expecting the Metropolitan Water Board to do so, after due consideration of its financial position.

Question put and a division taken with the following result—

Ayes—20

Sir David Brand	Mr Nanovich
Mr Clarko	Mr O'Connor
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Mensaros	Mr Sodeman
	(Teller)

Noes—15

Mr Bryce	Mr Jamieson
Mr T. J. Burke	Mr T. H. Jones
Mr Carr	Mr McIver
Mr Davies	Mr Skidmore
Mr H. D. Evans	Mr Taylor
Mr Fletcher	Mr A. R. Tonkin
Mr Harman	Mr Moiler
Mr Hartrey	*(Teller)*

Pairs

Ayes	Noes
Mr Watt	Mr J. T. Tonkin
Mr Laurance	Mr May
Mr Blaikie	Mr Barnett
Mr Young	Mr Bertram
Dr Dadour	Mr T. D. Evans
Mr McPharlin	Mr B. T. Burke
Mr Shalders	Mr Bateman

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Water Supplies) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 94 amended—

Mr DAVIES: I think the Opposition has shown a much more responsible attitude to legislation brought before this Chamber to bring about increases in charges than the previous Opposition ever did, but on this occasion I must join with the Deputy Leader of the Opposition in saying that I believe the case for an increase in these rates is quite unproven by the Government.

At a meeting held the other day I listened to the Deputy Leader of the Opposition outlining the current rates, the existing margin, and what increases in those rates could provide, and I thought he had a very reasonable case for opposing the Bill. This evening the Deputy Leader of the Opposition presented his case quite lucidly, and the Minister, unlike the usual detailed descriptions he gives—I have complimented him in the past on the manner in which he deals with Bills—has put forward no case whatsoever to justify an amendment to the Act at this stage, because as far as I can see there is still plenty of room to manoeuvre.

We have looked at this serious deficit that has developed in regard to deep sewerage and we appreciate the reasons for this deficit. We therefore realise that there may be some substantial need, perhaps not in the immediate future, but in a few years' time, to substantially increase the rate. However, we have not obtained any information from the Minister to justify the Government's present action.

This can mean only two things. First of all, it can mean only sloppy legislation which has not been properly investigated—as was the case with the Local Government Act Amendment Bill—or, secondly, the Bill has been properly investigated and it foreshadows substantial increases in rates that will be foisted on the public. In view of the calibre of the Minister dealing with the legislation I am inclined to think that this is the intention of the Bill; namely, it will mean that, in a short time, substantial increases will be foisted on the public.

If that is what the Bill does mean why does not the Government say so? Why does it not say, "We are in a serious position. We need extra money. We know the rates will be increased this year and again next year and that this will bring in extra money"? Obviously there is going to be a serious deficit and the Government is not being honest with the public and is trying to save face. I say that because, according to the Minister's own argument, currently there is a Treasury officer on the Metropolitan Water Board, and another man who has had considerable experience in Treasury matters. So here we have, by the Minister's own admission, two men well qualified to deal with financial matters. Therefore, surely these men, knowing what transpires between the Government and the Treasury officials, would know what would be required to justify a Bill of this nature.

Therefore in putting all these factors together I do not think the Bill is sloppy legislation not properly investigated. The Government knows what it is doing. It is hell-bent on raising sewerage and drainage rates much more than was anticipated, otherwise it would be quite prepared to wait for a period to see how the financial position of the Metropolitan Water Board will develop and then at a later stage decide that, if necessary, the additional margin will be inserted. There is still plenty of room to operate at the present time, and I believe that the Minister has not been quite honest.

Mr O'Neil: I think you mean frank.

Mr DAVIES: Yes. I do not think the Minister has been quite frank in presenting this Bill.

Mr O'NEIL: I do not know whether the member for Victoria Park was present when I spoke in replying to the debate on the second reading, but I noticed that at one time the Speaker asked whether my remarks had anything to do with an increase in rates. At that time I was developing the very reasons. I did say what the deficit was likely to be and it was at that point that the Speaker asked me whether my remarks had anything to do with the proposals in the Bill. I thought it was more of a hint

to speed up the proceedings rather than an interjection from him, as a previous Minister for Works, so I did, in fact, cut my remarks fairly short. However, it is quite clear that I did say that, at the current rate and on the known increases in costs, the board, in respect of its three operations, would be in deficit at the end of the 1975-1976 financial year to the extent of $10 million and I pointed out it was totally and entirely a preliminary estimate.

In my second reading speech I indicated the increase in wages costs, the increase in material costs, and the increase in the cost of money. I gave some examples of the programmes that were being undertaken in the national sewerage programme for backlog sewerage, and I indicated the return is somewhere between 2 per cent and 3 per cent, and that the money is costing us nearly 7 per cent, even with the 30 per cent nonrepayable contribution.

If members weigh up all those factors they can see I have been frank. The department was unable to give me any precise information as to what may happen in regard to proposed rates, but indicated it was looking at this matter very carefully. In answer to a question asked by the Deputy Leader of the Opposition I suggested the increase in income that would be gained if we moved to the maximum under the legislation would be approximately 60 per cent, but this would be dependent on the charge for rebate water, the amount of excess water used, and so on. These are imponderables.

I thought I made it clear to the Chamber that the interests of the consumer are well catered for. There is good financial advice available to the Metropolitan Water Board and good financial management on the board. Also there is ratepayer representation on it and the board has the authority to strike the rate. Whilst I did ask if there were any clear indication as to what the requirement would be, I am afraid the board was not able to tell me. For example, we do not know how much money we will get under the national sewerage programme next year for backlog sewerage works.

We do not know how much of the loan funds of the State will be made available to the board next year. There are so many imponderables that an accurate assessment cannot be made.

I have been as frank as I possibly can be and indicated that in my view—and I am sure the previous Minister would agree —the interests of the consumers are very well represented on the board. I would like to take the opportunity to pay a tribute to the chairman of the board who was the general manager before he became the chairman; that is, Mr Samuels. No-one would imagine he would use that authority other than in the interests of the people the board serves.

Mr JAMIESON: I just want to make the point that it appears as though the maximum rates have not been altered since the coming into operation of the board in 1964. In that 10 years the board has not achieved the maximum, so it seems to me that it is still asking for a lot now to want at least to double the maximum allowable and, in some cases, more than double what the board is allowed to charge.

While there may be a little problem in respect of paragraphs (c) and (d), for which there could be justification for a 50 per cent increase, in respect of the other paragraphs I believe that there is plenty of capacity available under the present rating powers.

If the Minister said that it is on the strong recommendation of the two Treasury officers that this has been done, I would take them to task. I respect the two gentlemen, because I worked with them for a long time, but I also had some arguments with them. At this juncture I do not believe a good case for the overall increases has been made and I certainly will be watching in future to see whether the former leeway is made up in the various aspects.

Without wishing to impose any extra burden on anyone, I wonder whether one of the commodities the board provides is not being provided too cheaply in comparison with the others. We have only to check with the Eastern States rates to find out which one I mean. I do not want to suggest an increase in rates, but we just cannot give services away; and that must be realised.

Fortunately in this State our ground is such that we are able to do nearly twice as much sewerage work with a given amount of money than is the case in Sydney, because of the necessity to cut through rock in Sydney whereas generally we have only sand and water with which to contend.

Mr O'Neil: But the backlog programme is in very difficult areas.

Mr JAMIESON: I might agree that in some places in the outer city suburbs the situation is more difficult. Here an occasional piece of coffee rock, or, at worst, some limestone is encountered, but in Sydney and Melbourne the ground is sandstone, while in Melbourne also there is diorite and other types of conglomerates which are much harder.

I suggest that the board might not have been as fair as it should have been with the Minister because it could have asked his views on the maximum capacity of the present rates before going beyond them. For that reason we are still against the increased rates.

Mr O'NEIL: The Deputy Leader of the Opposition stated that in respect of some instances the percentage increase appears to be higher than for others and he said

that in the drainage field this had occurred. I have to admit—and the Deputy Leader of the Opposition will agree—that the drainage rate is relatively insignificant in the account to the consumer; and I have to admit, too, that in adjusting these rates there was a degree of rounding off to give uniformity to the two methods of calculating the rates. However drainage has always been regarded as not the most significant part of the actual account the consumer receives; so I was quite happy to agree to the board's proposition to make the rate for drainage the same for rental value as for the capital unimproved value.

I did neglect to make one point and the honourable member reminded me of it when he was speaking; that is, the difference between the problem in the other States and our own problem. The Deputy Leader of the Opposition indicated that the sewering and reticulation of properties in Western Australia is an easier proposition because of the sandy nature of the soil. However, the real problem of course is servicing the money needed to provide the service. The funds are made available on somewhat of a *per capita* basis so that the Commonwealth can be reasonably fair to all the States without becoming involved in more arguments than it needs to; but the very nature of the ground here and the fact that there is a much lower percentage of the areas sewered than in the other States means that the servicing cost of the money falls upon fewer ratepayers.

In round terms I can probably say, that, for example in Melbourne, the cost of servicing the additional money for the backlog programme is spread over 85 per cent of the people in the area serviced whereas in Western Australia it is somewhere between 45 and 50 per cent. So if the money is given on a *per capita* basis the cost to the person in Perth getting the service is twice that of the cost in Melbourne, and that, to a very large degree, counteracts the difference in the installation costs by virtue of the nature of the ground. It is a little complicated, but I am certain the Deputy Leader of the Opposition understands what I mean.

If, in fact, we had a broader base upon which to rate, we would not have the embarrassment occasioned by what appear to be, and are publicised as being, generous handouts by the Commonwealth.

Mr DAVIES: For the sake of putting the record straight I must say I have listened to all speakers very closely. I had no intention of entering the debate, but I was not satisfied with the explanation given. The board was established in 1964 so that no odium would go to the Government of the day when rates were increased.

Mr O'Neil: The reason was to give it fund-raising capacity. We established a number of boards to give them access to semi-governmental loan money.

Mr DAVIES: In this case it also meant that no odium would go to the Government of the day when rates were raised.

I thank the Minister for his further explanation and share with him his sadness on the problems related to sewerage. I accept his unspoken assurance that there will be substantial rises in sewerage rates!

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Water Supplies), and transmitted to the Council.

CONSTITUTION ACTS AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

PHOSPHATE CO-OPERATIVE (W.A.) LTD. ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr O'Neil (Minister for Works), read a first time.

Second Reading

MR O'NEIL (East Melville—Minister for Works) [8.58 p.m.]: I move—

That the Bill be now read a second time.

An Act was passed last session to permit a company known as Phosphate Co-Operative (W.A.) Ltd. to retain for a limited period the insufficient application moneys that it had received in response to a prospectus and objectively that the company make a second attempt to raise sufficient capital to establish a fertiliser works and chemical manufacturing plant within the Shire of Merredin.

As may be recalled, the company had failed to attain a minimum subscription to a prospectus issued on the 11th March, 1974 and had approached the Government for assistance in the form of a special Act, which would permit the company to retain the moneys initially subscribed for, for a limited period within which the company might register a second prospectus.

The Act which was passed as a result of the company's approach, provided that so long as the company within 14 days of the passage of the Act remitted all application moneys to the Treasurer and delivered to the registrar the original applications for shares, then the directors

would be deemed not to have been in default of section 53 of the Companies (Co-operative) Act 1943-1959.

The measure further provided that the Treasurer was then to invest the moneys so paid to him by the directors, with the proviso that any initial subscriber would be entitled to a refund with interest, merely by requesting such a refund in writing to the Treasurer.

Finally, the Act required that if the company did not lodge with the registrar a second prospectus prior to 1st July, 1975, or, having so lodged a prospectus, did not obtain a minimum subscription within the ensuing six months, the Treasurer was in any event to repay the moneys originally subscribed.

The directors did, in fact, pay over to the Treasurer the whole of the application moneys subscribed in response to the first prospectus, and they further delivered to the Registrar of Companies all the original forms of applications, but they failed to do so within the limited period of 14 days, specified by the Act.

The Government has decided that as the directors have complied substantially with the conditions of the 1974 Act, the special privileges afforded to the directors by that Act ought still to be granted.

The purpose of this Bill is to repeal and re-enact subsection (1) of section 3 of the Act to provide that the directors have remitted to the Treasurer an amount equal to the total of all moneys received from the initial applicants, which the directors are deemed to have been authorised to do, notwithstanding section 52 of the Act. This provision will replace the provision which required compliance within the limited period of 14 days.

Members may note that the Bill does not in any way extend the periods within which the company must lodge the second prospectus or attain a minimum subscription if such a prospectus is lodged, and that the rights of subscribers to the first prospectus as set out in the 1974 Act have not been altered in any way.

I commend the Bill to the House.

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

STIPENDIARY MAGISTRATES ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr O'Neil (Minister for Works), read a first time.

Second Reading

MR O'NEIL (East Melville—Minister for Works) [9.02 p.m.]: I move—

That the Bill be now read a second time.

The Stipendiary Magistrates Act at present provides for the appointment of stipendiary magistrates and the assignment of courts to them by the Governor. The Minister may temporarily make any assignment, and in practice he assigns magistrates following the appointment and initial assignment by the Governor.

The stipendiary magistrates salaries agreement provides for various levels of magistrates, including Chief Stipendiary Magistrate and Deputy Chief Stipendiary Magistrate. The purpose of this Bill is to recognise this fact in respect of the Chief Stipendiary Magistrate by giving authority to the Governor to appoint a chief Stipendiary Magistrate, and giving power to the Minister to allocate magistrates to courts. In addition, the Bill provides for the Minister to delegate power to the Chief Stipendiary Magistrate to arrange sittings and reliefs, and to assign duties or any class of duties amongst the stipendiary magistrates.

Implementation of the amendment will result in the Chief Stipendiary Magistrate being responsible to the Minister for the more effective utilisation, management, and servicing of courts throughout the State.

The magistracy at present comprises 29 magistrates. The growth of business handled by the summary courts indicates quite clearly that the present establishment of magistrates will have to be increased from time to time in order to ensure that delays in court listings do not become unreasonable.

Attention to administrative procedures and the optimum use of magistrates' time can be facilitated by granting the Chief Stipendiary Magistrate authority and responsibility to direct and assign magistrates in these matters.

I commend the Bill to the House.

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

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th April.

MR T. H. JONES (Collie) [9.05 p.m.]: This is a Bill to amend the Police Act to provide for the appointment of Aboriginal aides in the north-west of Western Australia. A number of matters mentioned in the Minister's second reading speech are not in fact contained in the Bill. Briefly, they are the duties of the aides, their conditions of employment and rates of pay, and the matter of appeal from any decision reached under the instrument of employment. Although the Minister outlined what the general duties will be, Parliament is not aware what the instrument of employment will contain. Although no

doubt the Minister will implement the provisions mentioned in his second reading speech, Parliament has to refer to the second reading speech to find out what the duties will be, because they are not contained in the amending legislation.

That being so, I will refer to a number of items mentioned in the second reading speech, because I want to point out what the Opposition regards as weaknesses in some of the provisions. The Minister clearly states the intention to appoint such aides and the assistance they will render to Aboriginal people in the northern areas of the State. I understand that if the scheme is successful it will be extended to other parts of Western Australia.

The Minister suggested that the problems experienced by tribal elders may have been brought about by access to liquor, and education. He forgot to mention the matter of housing. We on this side of the House consider many of these problems are due to the inadequacy of the housing made available to Aborigines in Western Australia. I will give a few instances where this problem is very much alive. Perhaps some members on the other side of the House are also aware of this situation.

It is all very well to blame drink—although I do not deny it is a factor—but it is not the main factor. Many of the problems stem from greater sophistication, education, and the environment in which Aborigines live. I know of 20 Aboriginal people living in a State Housing Commission home in Western Australia. This is a shocking state of affairs, to say the least.

Mr Hartrey: There were 40 living in the Laverton lockup about two years ago.

Mr T. H. JONES: I do not know what happened in Laverton. The Minister mentioned liquor as being one of the main reasons for the problems, but he made no mention at all of housing, which we on this side of the House consider to be one of the main reasons for the position in which Aboriginal people find themselves.

Mr Ridge: Of the 20 living in one house, how many are applicants for housing? Perhaps they do not want State houses.

Mr T. H. JONES: From inquiries I have made in a reliable quarter, I understand there are 175 Aborigines in Collie alone, and 19 homes have been allocated to them —19 homes for 175 Aboriginal people.

Mr Ridge: How many of them are applicants for homes?

Mr T. H. JONES: There are a number of applicants.

Mr Ridge: What number, though?

Mr T. H. JONES: I am making the speech. I do not know whether the Minister for Lands is handling the Bill for the Minister for Police.

Mr Ridge: If you are going to relate this to the number of Aborigines who do not have homes, perhaps you would know how many of them are applicants.

Mr T. H. JONES: If the Minister for Lands would go to Collie and look around, he would find out for himself. Reference to the Community Welfare Department will clearly indicate there are Aborigines living in the bush in and around Collie—

Mr Ridge: And a lot of them want to.

Mr T. H. JONES: —because homes are not provided for them. This situation does not apply only to Collie. A similar situation exists in other areas. I mentioned it as being only one of the reasons for the problems experienced among Aborigines today.

The Minister expressed concern about the younger Aborigines in the north. On behalf of the Opposition, I ask the Minister whether he seriously considers they will take a great deal of notice of the Aboriginal aides who are appointed.

Mr Ridge: I do.

Mr T. H. JONES: We have the Minister for Lands again.

Mr O'Connor: I support him. He probably knows more about it than I do.

The SPEAKER: The member for Collie.

Mr T. H. JONES: I will continue to develop my theme, and I hope I will not be interrupted again. The Minister for Police happens to be in this House and he is handling the Bill.

Mr Ridge: I have particular views on this, that is all.

Mr T. H. JONES: This is where we should air our views. The Minister for Lands can air his views after I resume my seat. We have a democratic system. Surely the Minister for Lands does not deny me the right to express my views, which I am about to do—I hope without much more interruption from him.

We seriously question whether the younger Aborigines will take a great deal of notice of the aides it is proposed will be appointed. I suppose only time will tell. It is not an easy question to answer. Perhaps the scheme will be successful and it will be found that the appointment of these aides is the answer to some of the problems concerning the Aboriginal people of Western Australia.

Sir Charles Court: Some of the unofficial appointments are working well, particularly at Halls Creek.

Mr T. H. JONES: That may be so. We wonder whether they will take the same notice of a person of their own colour as they would of a white person. If the Minister has firm views on this matter, perhaps he will indicate them to the House.

I notice the Minister visited the north at the request of a number of local authorities which sought the appointment of

Aboriginal aides on a trial basis. Special constables were sent to the north to make inquiries.

Mr O'Connor: Not constables, senior officers.

Mr T. H. JONES: I wonder which areas they visited, how many areas were visited, and how much evidence was given in those areas in connection with the appointment of aides. This was not mentioned in the second reading speech. It was only said that certain officers had been sent to the northern parts of the State to talk to tribal elders and ascertain their views.

The Minister mentioned that similar schemes had been successful in Queensland and the Northern Territory. He said—

> It is considered that neither of these schemes would be entirely satisfactory in Western Australia, but as a pilot scheme Aboriginal police aides should be appointed by the Commissioner of Police and come under his direct jurisdiction.

We are concerned that the Commissioner of Police will have complete jurisdiction and apparently there will be no appeal. The Police Union is concerned about this matter to some extent because it is not known under whose jurisdiction the aides will come as far as union membership is concerned.

This has not even been considered. I spoke to the Secretary of the Police Union (Mr Fraser) today, and he said that under the constitution of his union it is arguable whether these aides would be covered; and it is equally arguable whether they would come within the ambit of the Civil Service Association. Surely we will not see them left high and dry. The amending Bill does not mention this matter at all. It makes no reference to any right of appeal against a decision made by the Commissioner of Police in regard to the duties of these men. This is a very serious situation. Surely all awards make some provision for a right of appeal in this respect, but there is no mention of it in the Bill. The Bill simply states that the aides will come under the jurisdiction of the Commissioner of Police. I would like to hear the Minister's views on that aspect.

The thing that worries us is that in his second reading speech the Minister outlined what will be the jurisdiction of these Aboriginal aides. He said, "it is believed" that their jurisdiction should be limited to offences which he listed. Those offences are defined in his second reading speech, but not in the Bill. The Bill simply says their duties will be specified by the commissioner in their instruments of appointment. I think Parliament should be made aware of the conditions of appointment. They should be laid on the Table of the House.

Mr Hartrey: It should be a schedule to the Bill.

Mr T. H. JONES: That is so, but if that cannot be done Parliament should at least be informed of the conditions—even if it be only by way of regulation, although that would not be fully acceptable to us.

There is a weakness in the legislation because no member of Parliament can clearly determine what will be the duties of these aides. The power is vested not in the Minister, but in the commissioner of the day. As commissioners change from time to time so too the instrument of appointment may be changed.

The duties of the aides at the moment will be contained in the instrument of appointment; but it could well be that when the present commissioner retires and a new commissioner takes his place he may make these aides general constables in the Police Force. That is one of the dangers we see in the legislation.

The Minister cannot deny this is a very scant Bill. It contains virtually nothing. It makes no mention of salary, and refers to a prohibition in respect of certain provisions of the Police Act, but it is not specific. Surely if we are to have another area of jurisdiction under the Commissioner of Police, Parliament has a right to know what that area of jurisdiction will be. I think the Minister should consider this matter and amend the Bill to include the duties of the aides. I do not think that is an unreasonable request to make.

The Minister was not firm or definite in his speech; he simply said, "Their jurisdiction, it is believed, should be limited to the following offences". Those offences are as follows—

> Resist arrest
> Stop, search, and detain motor vehicles
> Drunkenness
> Disorderly conduct
> Obscenity and such
> Offensive weapons
> Escape legal custody
> Wilful damage
> Common assault
> Street and park drinking.

That is all the Minister told us in his speech.

Mr Ridge: What else would you include?

Mr T. H. JONES: I would define the duties of these aides in the legislation. Policemen and miners have their duties defined in legislation.

Mr Ridge: What would you like to see them do which is not already spelt out?

Mr T. H. JONES: I am not suggesting—

Mr O'Connor: I will bet you are not.

Mr T. H. JONES: —that they should have more duties; all I am saying is that their duties should be defined in the Bill. The field in which they operate is another matter altogether.

We are concerned that there may be some discrimination against these aides. I certainly hope there will not; but here again, I do not think the Minister for Lands would disagree—

Mr Ridge: Discrimination by whom?

Mr T. H. JONES: I will come to that. I do not think the Minister for Lands would disagree that the duties should be clearly defined in the Bill. It is all too open at the moment. The Minister cannot deny that he said, "It is believed they will have jurisdiction" in the areas he referred to. That is just not good enough. He should come to Parliament and say, "These will be their duties." I suggest the Bill has been rushed to Parliament without sufficient thought being given to the duties of these aides, otherwise the Minister would be able to inform us more fully.

Mr O'Connor: Would you like to move that the Bill be deferred?

Mr T. H. JONES: I am not talking about that.

Mr O'Connor: Of course you are not.

Mr T. H. JONES: I want to see the position defined in the Bill.

Sir Charles Court: You cannot write that sort of thing into legislation.

Mr T. H. JONES: When I have finished speaking I will be quite happy to see the Bill deferred so that the Minister may give more consideration to it.

Sir Charles Court: You are talking about including specific duties.

Mr T. H. JONES: The Minister for Police asked whether I would like the Bill to be deferred, and I am saying that if it were he could give consideration to defining the duties.

Mr O'Connor: You had to wait and be told what to say.

Mr T. H. JONES: If the Minister thinks I am not capable of handling the Bill, he is quite entitled to say so. I will make my speech without him suggesting what I should say. He suggested that I may wish to defer it.

Mr O'Connor: You said you didn't want it deferred, and then you said you did.

Mr T. H. JONES: The Minister can check *Hansard* to see what I said. I will be quite happy to have it deferred. Why would I ask to have these matters defined in the Bill if I did not want them defined? I am asking the Government to be honest with us and to define the duties in the Bill.

Mr O'Connor: Have you some amendments in respect of this matter?

Mr T. H. JONES: That is my business, is it not?

Mr O'Connor: Of course you haven't got any amendments.

Mr T. H. JONES: Has the Minister defined the duties in the Bill?

Mr O'Connor: If you think it is so wrong you should have some amendments.

Mr T. H. JONES: It seems the Minister is pretty touchy. I think he should withdraw the Bill; the Opposition will not have a bar of it in its present form.

Mr Ridge: This is a unique trial, and if you have some suggestion as to how it may be improved, you should place it on the notice paper.

Mr Harman: I wonder whose idea it is; that of the Aborigines, or that of the Minister?

Mr T. H. JONES: I think this measure is a complete cover-up by the Government; and it is produced simply because the Government does not have sufficient money to employ additional constables in the force in the north. Therefore it is using this back door method of appointing aides at a lower rate of pay. I think that is a cover-up.

Mr Sodeman: The people in the north don't think that.

Mr Harman: How would you know?

Mr Sodeman: Do you want me to show you some letters?

The SPEAKER: Order!

Mr T. H. JONES: Before disposing of this important matter in respect of the duties of these Aboriginal aides, I point out again that it is not the Minister of the day, but the Commissioner of Police of the day who will define the duties, and he may extend or reduce their duties as he thinks fit. Of course, Parliament will have no say in the matter; it cannot say that the commissioner is wrong. It can only accept the Bill, and under their instruments of appointment the new aides will have their duties determined by the Commissioner of Police from time to time, and those duties may be extended far and wide without Parliament even knowing what has occurred.

Again, the Bill makes no reference to wages. In his speech the Minister said the aides will be paid a salary which is the equivalent of that paid to Aboriginal welfare workers, which is currently in the vicinity of $6 500 per annum. However, the rate of pay will be left completely to the determination of the Commissioner of Police. We do not agree with that proposition. We feel their salaries should be defined; and not only that but also their conditions of employment should be defined. Under what jurisdiction will they operate in respect of long service leave? Can the Minister tell me what period of service will be required before they qualify for long service leave?

Mr Harman: The Minister for Lands will tell you.

Mr T. H. JONES: Perhaps he may know, but certainly the Bill does not state anything about this. If the salary of these men is not adjusted for 10 years they will be unable to do anything about it because under the provisions of the Bill they have no-one to turn to.

Mr Stephens: They will be looked after by an understanding Minister.

Mr T. H. JONES: The present Minister may be understanding, but I am not talking about him. I am talking about future Ministers when all of us present have gone. It is possible that one day we could have a Minister who is anti-Aborigines. I hope that day never comes, but one never knows. I have known some policemen who were anti-Aborigines; and I am sure all members are aware of such instances. Some people do not take kindly to Aborigines. Would anyone on the other side deny that?

Of course, all will be well while we have an understanding Commissioner of Police. I cast no reflection on the present commissioner or the members of the present force, but it could be that in future a commissioner will step out of line. How could we pull him into line? Certainly the Bill does not tell us.

If these aides are denied an increase in salary or are denied the benefit of long service leave, what are we to do? I think we have a right to know the answers to these questions. The Bill has been loosely drafted, whereas it should clearly define the position.

Having referred to the speech notes of the Minister, I now want to make a few brief comments in respect of the Bill itself. A matter of concern to me is that when I phoned the Secretary of the Police Union I found the union knows nothing about the Bill. I spoke to the secretary (Mr Fraser) yesterday, and asked him whether he knew anything about the provisions of the Bill before the House to amend the Police Act. He said he did not even know such a Bill was before the Parliament. Surely it is not unreasonable to suggest that the Minister should have conferred with the Police Union before he presented amendments to the Police Act. Surely he should have canvassed the opinion of the union.

Mr Harman: Especially when it deals with appointments.

Mr T H. JONES: That is right. The Minister cannot deny that it is normal to hold discussions with affected groups when legislation is being considered. I am amazed to hear that the Minister did not approach the Police Union in respect of the Bill.

Mr O'Connor: Has there been any publicity in the Press about this measure coming forward?

Mr T. H. JONES: The only publicity I have seen is that which appeared in the Press on the 18th April.

Sir Charles Court: There was a lot of publicity before that. It was announced officially by the Government immediately after the Cabinet meeting at which the decision was made, and it was publicised.

Mr T. H. JONES: I do not think it was publicised; the Premier cannot get off the hook like that. He should know that if there is to be good understanding between the Government and unions discussions should be held with the union involved when amendments are being contemplated.

There is nothing wrong with that proposition, and that is the usual role adopted by Ministers and Governments. In this instance the Police Union was amazed when I advised the secretary about some of the proposals contained in the Bill. Mr Fraser informed me that the Police Union was not strongly opposed to Aboriginal aides. When I queried him about this he indicated to me that he did not know which unions would cover those people. When we are considering the employment of Aboriginal aides we should consider the unions concerned.

Mr Ridge: I do not think the unions care about the Aborigines. The Australian Workers' Union was responsible for introducing the pastoral award into the industry in the north, but since that time it has not sent its representative into the north to enrol one Aboriginal.

Mr T. H. JONES: It appears that the Minister for Lands is more concerned about the Bill than is the Minister for Police who is in charge of it.

Mr Ridge: That is because I have more Aborigines in my district than the Minister for Police has in his.

Mr T. H. JONES: For a Minister who is not in charge of the Bill, the Minister for Lands is showing a great deal of interest in it.

Sir Charles Court: So he should.

Mr T. H. JONES: I wonder why he is doing that. The answer is obvious, and I am sure members know the reason.

Mr Ridge: It is because I am acting in the interests of the people of my electorate —both the Aborigines and the white population. It is as simple as that.

Sir Charles Court: He has a greater interest in this matter than any other member in the House.

Mr Skidmore: I hope the Minister will make a contribution to this debate.

Mr T. H. JONES: I wonder who is handling the Bill—the Minister for Police, the Minister for Lands, or someone else. Has the Government come to an arrangement for the Minister for Lands to take charge of the Bill?

Mr Skidmore: Perhaps they are pooling their resources.

Mr T. H. JONES: They are all buying into this argument—the Premier, the Minister for Lands, the Minister for Police, and the Minister for Fisheries and Wildlife. There are only a couple of Ministers left; and I wonder whether they will buy into it.

The SPEAKER: The honourable member should address his remarks to the Chair.

Mr T. H. JONES: The Police Union is not strongly opposed to the appointment of Aboriginal aides, but it contends that it would be preferable to extend the strength of the Police Force by employing more constables. The union has been saying that for a considerable time. It is concerned with the present strength of the force.

Reference to the amount of overtime these officers have been working will clearly show that the force is understaffed. When the present Government was at the hustings at the last election it said it would put things right. Despite the warnings given by the then Premier (Mr J. T. Tonkin) the people did not take heed; but the story is now clearly told.

The amount of overtime paid from the 1st June, 1974, until the 1st April, 1975, amounted to $238 833. That is a large sum to be paid in overtime. Of course the wages paid to the same officers over the same period amounted to $2 071 556. Those figures relate to the police traffic patrol officers.

Mr Ridge: How many lives have they saved on the roads?

The SPEAKER: Order! Is the honourable member relating his remark to the Bill?

Mr T. H. JONES: I am relating my remark to the argument put forward by the Police Union, but whilst it goes along with the appointment of Aboriginal aides it considers it would be preferable to appoint more police constables. It is quite obvious the Government faces financial embarrassment and cannot find sufficient money to employ the number of police officers it would like to employ.

Mr O'Connor: It was a sad day when the Police Union appointed you to express its point of view.

Mr Skidmore: I suggest it was a sad day when the Government appointed you as the Minister to handle the Bill.

Mr T. H. JONES: It is just as well the Minister does not make decisions for those on this side of the House. If the Bill before us is an example of his ability then it is a sorry day for the people of Western Australia. This is a shocking piece of legislation, and the Minister knows it. He has attacked my ability to handle the Bill on behalf of the Police Union, but I would point out to him that this is a shocking piece of legislation and it is not worth the paper it is written on. The Minister cannot deny that.

Mr O'Connor: You wait and see.

Mr T. H. JONES: The Minister also told me to wait and see in relation to the takeover of traffic from the local authorities. What a somersault the Minister has done. When the Minister was asked the following question—

> Will local authorities be able to elect when they will transfer licensing jurisdiction to the Road Traffic Authority, or will this be by Government decision?

his reply was—

> It will be the choice of the local authority.

I appreciate that you, Mr Speaker, allowed me to slip that one through.

Sir Charles Court: Tell us your secret. You are going to oppose the Bill?

Mr T. H. JONES: The Premier should be patient. After I had discussions with the Police Union I found that it expressed the hope that the appointment of Aboriginal aides will not mean an intrusion into its fields of activity.

I realise that Mr Fraser spoke to the Minister after he had spoken to me. However, those were the views Mr Fraser expressed to me. Had it not been for my foresight in advising the Police Union, it would not have known about the Bill before the House. When the Police Union saw the Minister today, possibly it made an approach to him as a result of my drawing its attention to the Bill. The Minister can laugh.

The SPEAKER: I would ask members to refrain from talking across the Chamber.

Mr T. H. JONES: Surely the Police Union would not leave it until the day the legislation is debated in this House to see the Minister for Police! That would not be the correct way to conduct the affairs of the union.

Mr O'Connor: The representatives of the Police Union came at my request.

Mr T. H. JONES: That is funny. I rang the union only this morning, and was told that it did not know about the Bill. This is a rather fishy approach. The Minister said the representatives of the union came at his request, but he made the request only after the Bill had passed the first reading and on the day the second reading debate was to be continued. The Minister now admits that he was approached by the union only today.

Mr O'Connor: I did not say that.

Mr T. H. JONES: The Minister rang the union today.

Mr O'Connor: I shall talk to you about this later.

Mr Jamieson: I hope you are not inviting the member for Collie outside.

Mr T. H. JONES: According to what I have been told by Mr Fraser, he had no idea of the Bill at all and he had not received any information from the Minister about it. He told me that at 11 o'clock this morning. The Minister cannot deny that.

We on this side of the House are concerned. We are not strongly opposed to doing something for the Aborigines, and we do not want Parliament to get the wrong idea. We consider it would be preferable to employ police constables rather than Aboriginal aides. We believe that the Aborigines will take more notice of the white police constables. Some people may say that this is incorrect, and that the policy adopted by the Government is correct, but we think it is preferable to appoint police constables who would be able to operate in a much wider field. Furthermore, more notice would be taken of them by the Aborigines.

Another matter that concerns the Opposition is the discrimination in wages and conditions of the Aboriginal aides. We think that the police constables will be more acceptable to the majority of people in the northern areas, including the Aborigines. In this regard the Minister for Lands has expressed his view.

Mr Ridge: I can assure you they would be very acceptable, to both the white and black communities.

Mr T. H. JONES: I express the hope on behalf of the Opposition that there will not be any discrimination, and that the Aboriginal aides will be acceptable to the people. It is possible that our views could be proven to be wrong, but we on this side do not think so.

We support the idea of doing everything to help the Aborigines as much as we can, and already much has been done to assist them, but we do not think the appointment of Aboriginal aides is the correct step to take. We would prefer police constables to be appointed so that the work can be done on a much broader basis.

I have made the position of the Opposition quite clear. In conclusion I appeal to the Minister to withdraw the Bill, so that the provisions I have complained of can be deleted from it. We consider this legislation is far too weak. The duties should be defined, and more protection should be provided to these aides. Under the Police Act they are not given any protection, should they even be denied their wages.

Mr Hartrey: What workers' compensation do they get?

Mr T. H. JONES: They could be denied annual leave and the right of appeal. What protection is there under the Act? If we are concerned with the appointment of Aboriginal aides and think such appointment is the answer to the problem, then if they are to do the job we would want them to be provided with sufficient protection. I hope I have made the position of the Opposition clear, and I conclude my remarks on that note.

MR HARMAN (Maylands) [9.43 p.m.]: If Parliament passes this Bill it means that what we are doing is setting up a second-class Police Force or a second-class group of citizens in this State.

Mr Ridge: Not at all.

Mr HARMAN: Of course the Government would be.

Sir Charles Court: We are elevating the Aborigines.

Mr HARMAN: I shall spend the rest of my time in this debate to prove that what I have said is correct.

Mr Ridge: Correct to your satisfaction.

Mr HARMAN: No, to the satisfaction of the Government. I appreciate what the Government is trying to do. I would refer to the opening remarks of the Minister's second reading speech which are as follows—

> When I was in Derby last June, the Minister for North-West arranged for me to meet a deputation comprising elders of the Mowanjum Mission who asked for the appointment of Aboriginal policemen selected from their own people.

Is this Bill a guarantee that that desire of the Aborigines at Mowanjum Mission will be met? Have the Aborigines been informed what this Bill will mean to them? Do the Aborigines understand what will result from the passage of this legislation? The Minister has not been able to advise us of that.

Mr O'Connor: Yes, I can.

Mr HARMAN: It is not possible for him or anybody else to speak on behalf of the Aborigines. Only the Aborigines themselves will be able to satisfy this Parliament that what is in the legislation meets with their approval.

It would be most difficult for the Aborigines at Mowanjum Mission to appreciate all of the implications which are involved in the appointment of police aides. They have no appreciation of matters such as long service leave, workers' compensation, annual leave, transfers, promotion appeals, and other rights that go with the employment of people in this State in 1975.

From what the member for Collie has told us, it would appear that none of these rights will apply to the police aides. The Minister was very silent on the issue of long service leave.

Mr Ridge: He has not had a chance to reply.

Mr HARMAN: He has been interjecting a lot. He is entitled to reply now and tell us whether these aides will get long service leave.

Mr O'Connor interjected.

Mr HARMAN: I have heard that remark previously in this Chamber.

Mr O'Connor: Because you carry on with a lot of rot you think everyone else does.

Mr HARMAN: The point I want members to understand is that the Aborigines at Mowanjum do not fully appreciate what the Government intends to do by way of this legislation.

Mr Ridge: I think you are wrong; the Aborigines do appreciate what is to be done.

Mr HARMAN: If they appreciate what the Government intends to do by means of this legislation I think they would adopt the same attitude as I do.

Mr Ridge: In some places they have already appointed their own policemen, unofficially.

Mr HARMAN: I am sure that if they understood the implications of the legislation they would adopt the same attitude as I do—that it is not right for persons to act as policemen and be employed under different conditions, be selected by a different means, and be allowed to act in a restricted manner only, when compared with the ordinary policeman in the Police Department.

Mr Ridge: That is an unfair statement because any one of those people who has the qualifications can join the Police Force.

Mr HARMAN: This measure will discriminate against the Aborigines. They do not want their own people to perform as second-class policemen. They would like to see Aboriginal policemen employed on the same basis as other policemen.

Sir Charles Court: There are already Aboriginal policemen.

Mr HARMAN: There is nothing to stop the Aborigines from joining the Police Force, except that they do not have the appropriate qualifications.

Mr O'Connor: Of course, some have qualified.

Mr HARMAN: That is so. I feel it is up to the Aborigines to decide whether or not to join the Police Force.

This brings me to another question which I do not think is understood by the Aborigines at Mowanjum. I refer to the conflict which will occur when Aborigines, acting as police aides, have to carry out limited duties in respect of their own people. The aides will not be able to arrest a white man, and they will not be able to assist to arrest a white man who is resisting arrest. What will happen when an aide is called to a disturbance or a fight between two or three white men and two or three Aborigines? What will he do?

Mr T. H. Jones: Send for a constable.

Mr HARMAN: However, that is only an aside. What about the real problem which will involve the laws and culture of the Aborigines? An aide could be instructed to arrest a certain person, or to stop a certain person breaking the law, but because of some kinship arrangement it may not be possible for the aide to carry out that instruction. He will be placed in a very embarrassing situation which could result in some action against him at a later date.

Why is it necessary for the Government to bring about such a situation where only additional conflict will be produced between the Aborigines? It would be far better for those Aborigines who wish to join the Police Force to attend some sort of cadetship training until they have the necessary qualifications to join the Police Force. They can then join in their own right.

I am sure the Aborigines at Mowanjum would have no objection to an aide if they knew he had passed a cadetship and ultimately joined the Police Force in the same way as a white person can do.

If this measure gets through Parliament —and I certainly hope it will not in its present form—and if Aborigines become aides, and all those conflicts which have been mentioned do occur, and the system does not work, the only people who will get the blame will be the Aborigines. It will be thrown back on to them. The Government will claim that it attempted to help the Aborigines but they would not co-operate.

Mr Ridge: I would like to take a few shades of odds on whether it will work.

Mr HARMAN: I appreciate the attitude of the member for Kimberley, who is the Minister for the North-West, because he has this problem in his area. The main problem is that far too much alcohol is consumed in the Kimberley.

Mr O'Connor: I agree.

Mr HARMAN: The alcohol is causing the deterioration of the Aboriginal race.

Mr O'Connor: Its destruction.

Mr HARMAN: The Aborigines are reaching a most humiliating situation. I am not able to travel to the Kimberley very often now. I can go to Kalgoorlie by train with my gold pass, but I cannot go to see what is happening in the Kimberley.

Mr Ridge: What is stopping you?

Mr HARMAN: I am not so endowed with finance that I am able to travel to that part of the State.

Mr Ridge: Who should be paying your fare?

Mr HARMAN: The Government.

Mr Ridge: Why?

Mr HARMAN: I am just as much a member of the Western Australian Parliament as is the Minister. However, I am able to travel to Kalgoorlie, but not to the Kimberley.

Mr Ridge: That is on Government transport.

Mr HARMAN: Other members of Parliament in the Eastern States have access to travel facilities which we do not have. I get the opportunity to travel to the Kimberley once every three years.

Mr O'Connor: When were you there last?

Mr HARMAN: When I do go there I do not get much opportunity to see what is going on because the various Ministers for Industrial Development are anxious to show us their favourite spots and the big developments which are occurring. We do not get a chance to see some of the shady spots, such as the Six-Mile at Wyndham.

Mr Ridge: Those remarks apply to the previous Government.

Mr HARMAN: I said, "the various Ministers for Industrial Development". For the reasons I have mentioned I have to rely on information from friends I have in the Kimberley, and from my own three-yearly inspections which are very limited, and also on my past experience. However, I am led to believe that the Aborigines in the Kimberley are the victims of excessive alcohol consumption. They are desperately trying to find some way to overcome this problem.

Mr O'Connor: It does not apply only to the Kimberley area, either.

Mr HARMAN: That is true.

Mr O'Connor: I do not disagree with what the honourable member has said.

Mr HARMAN: The Aborigines are trying to find a way to overcome the problem of alcohol. One of the solutions would be for their own people to be policemen. There is nothing wrong with that so long as they join the Police Force in the same manner as other persons and become subject to promotions, transfers, and all other aspects of the Police Force.

Mr Ridge: As a former officer of the department controlling native affairs the honourable member would know that many of those people cannot be taken out of their own environment.

Mr Skidmore: But that is what the Government intends to do.

Mr O'Connor: We will employ people to work in their own communities.

The DEPUTY SPEAKER: Order!

Mr HARMAN: I appreciate that point and that is why I have some sympathy for the Government in what it is trying to do. However, the method proposed is not the way to overcome the problem. I also appreciate the action taken by the Police Department to investigate problems from its own point of view. However, I do not intend to congratulate the Minister for Police because I find it rather strange that he did not refer the Bill to other Ministers for their comments, particularly the Minister for Labour and Industry.

I am aware that Bills do not go to each Minister before they go to Cabinet. However, in cases where a Bill involves conditions of employment one would expect that the Minister for Labour and Industry would be consulted. Had this Bill been sent to that Minister I am sure the Minister for Police would have been informed about the ILO Convention 111. The eyes of the Minister are bulging and possibly this is the first time he has ever heard of that convention.

Mr O'Connor: Which Minister are you referring to?

Mr HARMAN: The Minister for Police; it seems to be the first time he has ever heard of it.

Mr O'Connor: You were not even looking at me when you made that remark.

Mr HARMAN: I know the Minister for Police will not agree with me that the Minister for Labour and Industry has not had a chance to see this particular Bill. If that Minister had the opportunity to examine the Bill it would not now be before us because the Australian Government has accepted the recommendations of the ILO and ratified Convention 111 which outlaws discrimination in employment. The Australian Government is a member of the ILO and having accepted that particular convention it has a responsibility to ensure that no organisation within this country passes any legislation which is discriminatory when it comes to the question of employment.

Mr Jamieson: It is probably doubtful whether the Commonwealth has powers to pass an Act to override this one.

Mr O'Connor: Or sack the fellows. We want to employ them.

Mr HARMAN: This Bill deals with the conditions of employment of certain people. However, it has not been studied in detail by the Minister for Labour and Industry in this State. Before the Australian Government adopted Convention 111 it spent some time investigating the legislation of each State. As a result, we passed some legislation in this House only a short time ago, dealing with discrimination in the mining industry, because it was obstructing the Australian Government from ratifying the particular convention.

Article 1 of Convention 111 states—

(1) For the purpose of this Convention the term "discrimination" includes—

(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;

The purpose of this legislation is to employ a different type of policeman who will have limited jurisdiction, and only in respect of a limited number of people. He will be paid a different rate from ordinary policemen, but he will be obliged to perform the same type of work as the ordinary policemen, certainly in those areas set out in the Minister's second reading speech. The Government is attempting to break this convention which the Australian Government, and the State Government, have agreed will not be broken. If the Minister wishes to disagree with that proposition then I suggest he defer the Bill and have this aspect checked out. He will agree with me that once the Government—and this was the Tonkin Labor Government—makes a decision in respect of a matter like this with the Australian Government, then the decision is binding on any future Government. So the decision of the Tonkin Government is therefore binding on the Court Government.

I am sure the Premier would not want to repudiate that agreement by insisting on the passage of this legislation. For that reason also I suggest that he defer the Bill so that it can be examined adequately by the Minister for Labour and Industry and the department, and if necessary, referred to the Commonwealth Department of Labour.

Mr O'Connor: That would be a beauty!

Mr HARMAN: It has the experts. It is all right for Government members to laugh about this, but next year or the year after the Government will send the Minister for Labour and Industry to the ILO Conference in Geneva. If we had won the Government in 1974, I would have gone. Anyway the Minister was due to go last year and the Government will send him when his turn comes up again, with the Australian Government paying his expenses. I have said before in this House that too much lip service is given to the ILO Convention and not enough practical consideration. Here is another example—an article dealing with discrimination in employment and an agreement made between the Tonkin Government and the Australian Government on this convention. Now the Government intends to drive a bus right through the agreement. So I strongly urge the Government to defer the legislation, have the matter examined thoroughly, and let the Bill remain on the notice paper until the August sitting. I am quite sure that the Aborigines at Mowanjum or anywhere else in this State would not agree with a proposition such as this which proposes to appoint second-class constables able only to deal with Aborigines. The Bill is a discriminatory one, which I believe would be *ultra vires* the convention.

MR SKIDMORE (Swan) [10.03 p.m.]: I wish to speak in opposition to the Bill before us which is to amend the Police Act, and I want to deal with it in two parts.

I am very conscious of my responsibility as I have, within my electorate, a large number of Aboriginal people. Also, during the time that I worked in the north, I had many discussions with the people we are seeking to help. The other point I wish to discuss is the question of industrial cover for these people who will become aides under the Police Act.

First of all I would like to deal with the question of how we can assist these people. I am conscious of the efforts made by the Government to overcome a very difficult situation. The Aborigines in the north are steeped much more firmly in the social structure of their own making over many centuries than are those in the south of the State. Had this scheme been proposed to encompass those within the southern part of the State in the first instance as an experiment, I may have been inclined to agree that it would work. However, I feel that if we apply this principle in the north, we will come up against many prejudices which exist among the full-blooded Aborigines. I say this with a deal of sorrow because, having worked amongst these people and spoken with them over quite a few years in the north, I found them very difficult to understand. The tribal ties and tribal laws are so inherent in the makeup of the full-blooded Aborigines today, they will never be broken down by any Government, no matter what action it may take.

Mr Hartrey: And it shouldn't be either.

Mr SKIDMORE: As the member for Boulder-Dundas says, it should not be broken down. What is the aide appointed under this legislation going to do? I am sympathetic with any Government which tries to solve this very vexatious problem. We are going to take a person who has been selected by the tribal community, and who has, at the time of his appointment, some affinity with his social and tribal customs, and we will ask him to forget all these things.

We will take a person who is considered to be a leader of his people. However, because of his tribal customs, the way in which he lives and has learnt to harness the resources of an arid country, he will have great difficulty in adjusting to the job we ask him to do. I find myself unable to

believe that we can take such a person and ask him to embrace a law which is foreign to his makeup. He is steeped in the culture and the social background of the Aborigines. We will say to him, "Go out and perform a duty upon your tribal elder under the white man's law." It is unquestionable that such an idea will fail. We are asking an aide to do something which we have failed to do in hundreds of years. We should not attempt to do it. It is the tragedy of these people that this Government and the Governments before it—of all political colours—have failed to recognise the destruction of a heritage and the destruction of race pride. This has happened in America and also in this country of ours because we cannot understand the impossibility of the task.

I am sure these aides will commence with a very keen desire to do the things that the Minister, the Government, and we on this side of the House hope they will do. The legislation will not achieve what it sets out to do. We need only look at the history of the many missions in the north and the efforts that have been made by tribal elders to try to inculcate into the Aborigines a different way of thinking. We have a clash of social structure, tribal beliefs, and tribal customs. These things are not in harmony with the white man's law. It has been tried, and it has failed. I do not know what we are to do about helping these people, and this is what concerns me. When I was working in the north I had many long discussions with the Aborigines.

Mr Grewar: How long ago?

Mr SKIDMORE: Does it really matter how long ago it was?

Mr Grewar: Yes, it is very important.

Mr SKIDMORE: If the member will bear with me and be silent, I will answer the interjection. I was asked how long ago this was. It would have been about—

Mr Coyne: 1948.

Mr SKIDMORE: No, I worked there about 12 years ago. I made a point earlier and it has been overlooked by the interjector. I said that for centuries we have tried to destroy the heritage of these people by asking them to embrace our way of life. I was immediately taken to task because I said that I spoke to these Aborigines 12 years ago. Is it suggested that the problem has been solved in 12 years? It will not be solved in 12 years, and it will not be solved this century with the appointment of aides for a very basic and fundamental reason.

I would like to recount a story I have told previously about an Aboriginal lass employed in the trade union movement. I approached her for an opinion of another Aboriginal girl. She herself is an Aboriginal, but she said to me, "I do not know any Aborigines." What significance could we place on that statement? The significance I place on it is that here is the answer to the question that is posed. We are asking these aides to completely alienate their thinking. The tribal Aboriginal, the part-Aboriginal, the quarter-cast-Aboriginal, or the man with a slight tinge of Aboriginal blood will be asked to deny his heritage.

There are people in the Aboriginal community who could well measure up to the standard sought, if it is a standard. I do not think it is quite frankly, but it is what the Government wants. What the Government is seeking is to make a second-class policeman out of an aide. I suggest that the Government has been badly informed about the makeup of these people. Had it been possible, I would have preferred the Government to have suggested that the Department for Community Welfare should appoint people to some administrative position. Whether we like it or not, there is a feeling amongst Aborigines that the police officers are not their best friends. Under the old system, the police would lay the charge, and then a police officer would defend the accused as the protector of the Aborigines.

Mr Hartrey: That is a fact—I have seen it myself.

Mr SKIDMORE: Of course it is a fact; it is well known to all of us who have studied the Aboriginal problem—it is Caesar unto Caesar, and there is not much difference in that analogy.

Mr Ridge: I think you are out of touch.

Mr SKIDMORE: It will not solve the problem.

Mr Ridge: It will not solve the problem, but it will be a great help.

Mr SKIDMORE: I hope it will, but I would have been happier had the Government attempted to carry out a trial with the more sophisticated Aborigines in the south.

Mr Ridge: That is where you are wrong. Aboriginal people throughout the north have requested something like this for years. The Tonkin Government was asked to introduce it.

Mr SKIDMORE: The Minister said the people have asked for this for years. I will not say the Minister is not right because I do not like to issue a challenge when I am not completely sure about something.

Mr Ridge: It has been working very successfully on an unofficial basis.

Mr SKIDMORE: That is exactly the point I made a little while ago.

Mr Ridge: What?

Mr SKIDMORE: If it is to work, the scheme should not be under the auspices of the Police Force.

Mr Ridge: Why not?

Mr SKIDMORE: There is antipathy to the word "police" amongst the Aborigines.

Mr Ridge: You are talking of the Aborigines in the city or around the city. The Aboriginal people in the north have a great deal of respect for the police.

Mr SKIDMORE: So have I, and I am not denigrating the sympathy I have for them. I am discussing the feeling that the Aborigines have towards the police, and the point I am making goes even further. I am referring to the heritage and tribal customs of the Aborigines, and well the Minister knows it. We cannot take a tribal elder and ask him to destroy his own soul, his own thinking. I am not being emotional, but this is written into their law. This is a part of their social structure. We cannot expect them to embrace the white man's law and go back and challenge their tribal elders; it will not work.

Mr Ridge: Do you think this is something new? The police have employed trackers successfully for many years; it is the most successful scheme we have ever had.

Mr SKIDMORE: I agree with the Minister for Lands; he is as deeply concerned with these people as I am. Aboriginal trackers have been employed for some time.

Mr Ridge: Only since about the 1890s.

Mr SKIDMORE: That is exactly the point I am making; since the 1890s we have endeavoured to inculcate in these people some sense of responsibility for our laws. But what have we achieved in almost one century? Nothing!

Mr Ridge: Because they have been nonentities; they have been trackers. Now they are being given some status and will be able to wear their uniforms with pride.

Mr SKIDMORE: While they may wear their uniforms with pride, if the Minister looks closely at the amending legislation he will see that an impossible burden will be placed on these aides.

Mr Ridge: That is not correct.

Mr SKIDMORE: That is the Minister's opinion, and I respect it; however, my point of view is that an impossible burden will be placed on these people. This legislation will turn these aides into policemen with restricted rights.

Mr Ridge: Because that is what they want. They want some right to work amongst their own people.

Mr SKIDMORE: I agree that they want restricted rights, but I do not want them to have it.

Mr Ridge: No, but that is what the Aborigines want.

Mr SKIDMORE: I agree with the Minister on that point. In the second reading speech of the Minister for Police, he states—

> The rules under which the proposed aides should operate must of necessity be simple. At the same time they will need to be provided with the same protection at law against civil action as is enjoyed by ordinary members of the Police Force.
>
> Their jurisdiction, it is believed, should be limited to the following offences—
>
> Resist arrest
>
> Stop, search, and detain motor vehicles

Other duties are listed, but I will refer firstly to those two. In the case of resisting arrest, we will be putting an Aboriginal aide in a town like Derby—

Mr Ridge: A good town.

Mr SKIDMORE: I do not want to give a misleading impression; I am not denigrating the towns. I am quite sincere in what I am saying, even if some members opposite do not believe it. I am conscious of my responsibilities to the Aborigines; it is something which should not be taken lightly.

In a town like Derby, we could be faced with the position where an Aboriginal aide was endeavouring to assist one of his people to leave a public bar because he was affected by alcohol. That is not an unusual situation. However, a white person may take up the cudgels on behalf of the Aboriginal who is being removed from the bar. The Aboriginal aide would then be faced with the prospect of arresting the white person, because the legislation makes no distinction between black and white, nor do I believe such a distinction should be made. That white person may be acting from the highest altruistic motives because he felt the Aboriginal in the bar was being aggrieved. He could be and probably would be, if my knowledge of people who take up the cudgels on behalf of Aborigines in northern towns is any guide, a responsible member of the Derby community.

What sort of a position will that Aboriginal aide be placed in? We have stripped him of his dignity and the right to represent his people and have not even been decent enough to make him a policeman with full rights.

Mr Hartrey: He would have the full right to arrest that man.

Mr SKIDMORE: I do not believe he has full rights; they are restricted rights. This is supposed to be a time of great equality for the Aborigines. They have been got at for centuries, certainly in the last century or so.

Mr O'Connor: Oh come on!

Mr SKIDMORE: The Minister for Police laughs.

Mr O'Connor: I can afford to on that one.

Mr SKIDMORE: The Minister cannot afford to laugh because he has as little knowledge about tribal matters as most of his colleagues.

Mr Grayden: They did not get much assistance—

Mr SKIDMORE: The Minister for Labour and Industry should go back to where he came from.

Mr Grayden: They did not get much assistance during the three years of the Tonkin Government.

Mr Sodeman: Very little!

Mr SKIDMORE: Members might recall that I suggested we do not indulge in these sorts of tactics during this debate. I had hoped that, at least during my remarks, such tactics would not be used because I am quite sincere in my feeling for the problem faced by Aborigines.

Mr Grayden: I am representing the Premier, and you tell me to go back where I came from.

Mr SKIDMORE: I did not know where it was; I did not suggest it was a bar.

Mr Grayden: You want to shut up!

Mr SKIDMORE: We were getting along very well without the Minister for Labour and Industry interjecting; his interjections do not make much of a contribution to the debate.

Mr Sodeman: That is not a very fair comment.

The DEPUTY SPEAKER: Order! I suggest that the member for Swan addresses the Chair.

Mr SKIDMORE: I am sorry, Mr Deputy Speaker; I should not allow myself to be sidetracked. I believe the hypothetical case which I instanced is not an impossible one; it is one that will be faced continually by the aides. Perhaps we should not worry, because he has a right to arrest the white person who interferes in the squabble.

It would be all right if we could simply have the charge heard by a magistrate, who probably would fine the white man no more than $10, or let him off with a caution; however, it does not end there because the thinking of the Aboriginal person is such that he is unable to forget the indignities he has suffered under the white man's law, notwithstanding the fact that an Aboriginal aide made the original arrest. In all honesty, I do not offer a solution; however, I do not believe this is a solution.

Mr Sodeman: It is worth a try.

Mr SKIDMORE: I have already said it is, but not in the north where I believe it to be doomed to failure. I hope I am wrong; I hope I can come back in six months' time and say, "This scheme has been a wonderful success." If it has been a success, I will say that.

Mr Ridge: I believe you are quite sincere in saying that, and I believe you will come back in six months' time and say just that.

Mr SKIDMORE: I hope I am wrong but surely because of my experience in these matters I am entitled to express my opinion.

Mr Clarko: Do you not agree that from the time the Aboriginal makes his first contact with white society it is impossible for him any longer to remain in his original situation? It is unfortunate, but that is the situation.

Mr SKIDMORE: The point is well made.

Mr Harman: What was the point?

Mr SKIDMORE: I believe the point was that, virtually from the time we first landed in this country, the Aboriginal has been gradually assimilated to the white man's ways.

Mr Clarko: Even as recently as 10 years ago; once he makes contact, that is the beginning of the end.

Mr SKIDMORE: I do not mind if the process of assimilation takes place in the Aborigines' own good time and way; we should not force or compel them to assimilate. We will not succeed if we try to brow-beat them or convince them that our way of life is better than theirs. This has been proved many times.

Members have only to go to the electorate of Swan and have a look at the grape pickers. They are perfectly happy sleeping along the banks of the Swan River because that to them is their holiday. They can go and earn a few dollars picking grapes. They do not want a roof over their heads—

Mr Hartrey: Or a State Housing Commission home.

Mr SKIDMORE: —or a stove or anything of that nature. They just want to be left in peace to pick grapes, buy a few bottles of wine, have a drink and generally annoy everybody around the place in the interim. That is their way of life; however, we say they should change because we do not agree with their way of life.

Mr Clarko: They were already changed when they started drinking.

Mr SKIDMORE: That is right.

Mr Clarko: It is a question of assimilation, integration or separatism.

Mr SKIDMORE: That is what I have said all along the line. This should be tried in the south, among the more sophisticated Aborigines who have become ac-

customed to the white man's way of life and who have gotten away from the customs of the tribal elders, who try to tell them what to do and to guide their destinies.

Mr Sibson: Several volumes have been written on this very subject.

Mr SKIDMORE: I have read many volumes relating to the history of these tribes. I am not aware of the particular volume referred to by the honourable member and I hope he will provide me with more information later so that I may read it. My interest in these people is sincere and I should like to make a contribution in the interests of the Aboriginal community.

I leave now the matter of the Aboriginal and his social structure and the way in which we think we can help him and refer to the matter I raised earlier, which was dealt with fairly adequately by my colleague, the member for Maylands. I refer to industrial coverage for these people.

I find it rather strange that a Government which has always claimed to believe in the principle of law and order, and which has thoroughly belted into us that we on this side of the House should examine more closely the question of law and order, should neglect that very issue in framing this legislation. I refer of course to the Industrial Arbitration Act which was set up for the purpose of regulating the working conditions of those Western Australians who fall squarely under that Act as workers in accordance with the definition of the Act. I will not weary the House by going through the legislation section by section.

If we have an Act which espouses an award wage, such as the Police Act, which in turn creates a worker—a policeman—under the legislation, that worker is entitled to certain working conditions. That is the fulfilment of the Act. The Police Act is a law-abiding piece of legislation, established to provide the policeman with the right under the Industrial Arbitration Act to be covered by an award.

The strange thing about it is that on this occasion there seems to have been a departure from the principles of industrial justice espoused by that Act. For many years, the Industrial Arbitration Act has determined the working conditions of most workers in Western Australia. There are some workers in the State who are not covered by the Industrial Arbitration Act, but by an antiquated and out of date Factories and Shops Act. However, the Police Act Amendment Bill, which we are now discussing, provides that the industrial conditions under which these aides will work will be determined by Statute.

I suggest that fundamental principles are missing from this legislation. We heard the member for Collie say that the Police Union had not been contacted, and I am well aware that what he said is true, because I discussed this question with him, and following those discussions I contacted the Police Union. If we look at the jurisdiction of the Industrial Arbitration Commission there is no question that these people should be covered by an award, but they will not be covered by an award. The working conditions and all other conditions that will apply to these workers will be controlled by no-one in law. That is a fact, whether or not the Minister cares to accept it, because the only legislation that can cover these workers is the Industrial Arbitration Act. If this Bill were to provide working conditions that are covered by normal industrial awards I would agree with it.

It may be suggested that the intention is to cover these people under the award governing the conditions of police officers. I would not quarrel with that, because I think that intention should be carried out. The Government intends that these people shall be controlled by the Commissioner of Police, to make them second-rate policemen, and then it says to them, "I hope this system works, but if it does not, you can have the same conditions as policemen." Is it the intention of the Government to give these people annual leave, compassionate leave, overtime, long service leave, and other conditions that normally apply under an industrial award? How will these people be engaged? How will they be dismissed? What notice will they have to give to terminate their employment? If these people are not to enjoy these working conditions, are they to be embraced under the police award? This is a very important aspect and it brings me back to the point I was making previously; namely, the Government may fool some of the people some of the time but it cannot fool the Aborigines all the time because the Government has made these people second-class policemen. It is now making them second-class workers by denying them the right to be covered by an award.

It could be said that I am drawing the long bow, and, quite honestly, I believe I am when it comes to saying that these people will be award-free. However, I do become very concerned as to what union will cover these workers; it is logical to assume that they will be covered by the Police Union if it has the constitutional right to do so but, having looked at the constitution of that union, I would say it does not have such jurisdiction. It would have no chance of embracing police aides under its constitution.

This is a question of equality. We are not attempting to create any racial problems, yet here we are differentiating between an Aboriginal worker and a white

worker. We are making a distinction between a policeman and an aide.

Mr Sodeman: What about the situation in many country hospitals where you have Aboriginal nursing aides looking after white people? Those aides have the opportunity to progress to a higher level.

Mr SKIDMORE: I do not mind that interjection, because I think it is valid and I will answer it. The honourable member should cast his mind back to the situation that occurred with many convalescent homes in this State which employed aides to look after aged people The people who conducted those convalescent homes had invested capital in them as business undertakings. Because of the low wages that were being paid to the workers in those homes the proprietors were able to survive and make a handsome profit out of aged people who were being cared for in those homes. The honourable member may care to challenge me on that statement and I would be most happy if he did, because the proprietors of those homes have been requested, in the Industrial Commission, to produce their balance sheets, but they have not done so.

Mr Sodeman: You have misinterpreted my remarks. I am talking about Aboriginal nursing aides who work in, say, the Port Hedland Hospital who have to look after white people. No problem is met with regard to them, and they can progress to become a nurse in the full sense if they desire to do so.

Mr Jamieson: That is the longest speech you have ever made.

Mr Sodeman: It shows that I am capable of doing so, does it not?

Mr SKIDMORE: The point is well made, but the analogy does not hold up when one considers what value it is to the debate.

Mr Sodeman: I can please myself.

Mr SKIDMORE: The honourable member can please himself and I hope he will make a vocal contribution to the debate by rising to his feet. The situation referred to by the honourable member is completely different from that of an Aboriginal aide who will be in charge of sections of police jurisdiction. He will be completely different from a nursing aide who looks after sick people. I agree with what the honourable member has said if that will make him happy, but it is not germane to the argument I am advancing now.

Therefore, in returning to this vexed question I would suggest that if the Bill is agreed to it will be found that an application will be made to the Industrial Commission within 24 hours of the passing of this legislation for an award to be determined to cover these people, because there is a union that has the right, under its constitution, to cover them. Who will lay down their working conditions? The Minister has said he will tell us under what conditions they will be employed. They cannot be employed under the constitution of the Police Union award. So it is of no use the Minister telling me that these aides will be covered by those conditions because they cannot be. The Government, having been good enough to make these people policemen, could have granted them legal working conditions. Yet the Minister is taking that right away from them and making them second-class policemen. The Minister may nod his head, but he knows what I am saying is true.

Mr O'Connor: I did not nod my head.

Mr SKIDMORE: Well, the Minister shook his head. As I have said before, my knowledge of the English language is not as great as that enjoyed by other people.

Mr Grayden: We can have separate legislation.

Mr SKIDMORE: The Minister for Labour and Industry has now suggested we can have separate legislation, and I am disappointed that some of my remarks have not been taken seriously, because they have been deliverd in a serious vein. I have been sidetracked by many inane interjections from members on the other side of the Chamber.

However, in my closing remarks I very much regret that the Government has seen fit to introduce this legislation in this form. I believe it should be withdrawn so that the Government may have another look at it, and I earnestly make a plea to the Minister to do that. I think the Government should give consideration to making these people full constables with proper rights that apply to full constables by giving them departmental jurisdiction and restricting them to certain duties. If the Government does this it will solve all the industrial problems I have mentioned. I cannot see any problems if the Government follows this line of action.

It affords me no pleasure to consider that this Bill will probably pass. As I said earlier, I hope I will be able to return to this Chamber in six months' time and say that the legislation has been a success, but I have a feeling, knowing the Aborigines as I do, that the Government will not achieve the results it hopes to achieve.

MR HARTREY (Boulder-Dundas) [10.41 p.m.]: As one who represents a part of Western Australia where a considerable number of Aborigines are residing, some in very poor and primitive conditions, I think it is only proper that I should make some contribution to this debate. I think the most useful contribution I could make would be to read the Act and to make

some comments on that, because I think the observations that have been made by speakers to date have not been completely relevant to this proposed legislation.

I tell the House quite frankly that I feel rather like the Duke of Wellington when given troops who were conscripted in England and landed in Portugal to fight the French elite troops. His bitter comment was, "I do not know what effect you are going to have on the enemy, gentlemen, but by God you terrify me!" I do not know what effect this amendment to the Police Act will have on the community, but it certainly terrifies me. This is not a proposed law for integration or assimilation, or having anything to do with racism. This is a law for the enforcement of the law by law-enforcing officers.

What has motivated its introduction is the fact that in certain parts of Western Australia, not necessarily in the north-west, there has been a great deal of difficulty among Aborigines. As the Minister said in his second reading speech, among the younger and more refractory elements in the Aboriginal community there have been racial fights, breaches of the peace, and great breaches of the law and it is these factors which are concerning the Government in introducing this new idea. Anything to do with racism is a matter that has to be considered without any prejudice. I did not commence this speech with any prejudice against the Bill. I am quite prepared to give the Government credit for being motivated by honest and good intentions; I am quite prepared to pay to the member for Kimberley the compliment of saying he has good reasons for being acquainted with the particular psychology of Aborigines in that area, an acquaintance to which I certainly do not lay any claim, because I know little about the Kimberley.

I have been in Derby, Broome, and various other parts of the north-west, but only for short periods and not in very close association with the Aboriginal people; so I lay no claim to that knowledge.

All members have discussed this Bill on the assumption that these Aboriginal aides will be coloured men dealing with their own racial ethnological associates; will have limited powers in respect of those persons only; will be used only in the north-west in the Kimberley area, and so on. However, there is nothing in the Bill that indicates anything like that at all. If there were, I do not think I would have made any contribution to the debate because it would have been a matter of very little concern to me or my constituents. However, this Bill is to have universal application throughout Western Australia and concludes with a remarkable proposed subsection which reads—

> (3) A reference in any other law of the State (not being a law relating to condition of service of members of the Police Force) to a member of the Police Force shall be read as including an aboriginal aide appointed under this section.

So anything a policeman can now do in the enforcement of any law in this State can also be done by one of these Aboriginal aides. The previous speaker said that he hoped there would never be any discrimination between the aides and other policemen and that they would both have exactly the same powers. I do not share that view at all, for a number of reasons.

We must look facts in the face. We must remember that it would be well nigh impossible for any substantial number of Aborigines who were real Aborigines—I am not referring to quarter-castes or to those with only a tinge of Aboriginal blood—to qualify as policemen, because the tests which policemen must undergo are rather severe, and rightly so.

I am not referring to physical tests because I am sure that in most cases the Aborigines would qualify in that respect. They may not be as robust or sturdy as ordinary policemen, but they would probably be a lot more enduring for work in the bush. I do not think there is any difference in the Aborigines as against the white men in their training as policemen, but after all there are certain other things required of policemen. They must have certain attitudes of mind towards their fellow citizens. We are all used to a certain feeling which we have always treasured; that is, that a policeman is everyone's friend and that it is his job to conciliate rather than domineer the average citizen. We have been taught that it is the policeman's duty to respect the rights of citizens, but it would be very difficult to inculcate into true Aborigines what the rights of citizens are as we understand them. They have entirely different ideas on the subject, and I respect them. However, I do not want them applied to me by them anymore than they would want me to apply mine to them.

We must keep in mind that there are far more white people than Aborigines in this State and according to the Bill the Aboriginal aides may operate all over the State. The aides will be fully authorised constables of the Police Force.

I am not worrying about the industrial side of the story at the moment, but I am worrying about the authoritative side. I think some injustice may have been done to the Minister of Police by one of our speakers. The Minister stated—

> Their jurisdiction, it is believed—

As someone has already said, that is a very vague way of putting it. I do not think that is quite the point. I consider that this is the Minister's opinion, and he is

entitled to that opinion. The Minister said—

> Their jurisdiction, it is believed, should be limited to the following offences—

When the Minister said that he meant that he believes they should be, and they will be. I hope they will be, but the Bill does not stipulate that they will be. The Minister said that their jurisdiction will be limited to certain offences which he stipulated.

The Minister referred to resisting arrest and then to the stopping, searching, and detention of motor vehicles. What could be more appropriate in such circumstances than for an Aboriginal to deal with another Aboriginal, but not for an Aboriginal to deal with a white man? If we want real trouble, that would be the way to get it, and I am not kidding.

A young Aboriginal, full of wine, often has the urge to get out on the spree. He will immediately take a vehicle not belonging to him and tear off with it. That is a common offence in the goldfields, and that is just the sort of thing we want to suppress and maybe the Aboriginal aides will be a substantial help. Therefore they must have power to stop, search, and detain motor vehicles because members of their own race will be pinching them.

With regard to drunkenness the Aboriginal has no monopoly. Far be it from me to suggest that there are no white inebriates on the goldfields as well as in other parts of the State. The incidence of drunkenness amongst the Aboriginal people since we made the grave mistake of giving them unrestricted drinking rights—and I must say this, no matter who does not like it—has considerably increased and is most distressing.

The incidence of drunkenness among the Aboriginal people has reached alarming proportions, and a number of reasons exist for this on the goldfields. One was that for years the drought conditions made it impossible for the local squatters to employ Aborigines. They could not employ anybody. They had to do their own work, and pick up their own dying sheep and try to help them to reach water. The Aborigines had no chance to get work—nobody had a chance to get work—and they got a dole which they unwisely spent on liquor while their wives earned money for them in another way, on which I shall not elaborate, and their children ran short of food.

It is reasonable enough to have a test case in a test place such as the Kimberley, for argument's sake—an experiment with aides who are simply aides in relation to police as nursing aides are in relation to fully qualified nurses, and who are performing useful and subordinate functions among their own people. That could be a good idea.

Still, many of the points which have been raised in opposition are valid. It is very hard to gauge the psychology of the people whom we would make Aboriginal aides, but allowing for everything I think if Aboriginal aides were exclusively devoted to the management and control of the Aboriginal refractories, and only in a limited area where there were many Aborigines and not many white people, such as in the Kimberley, the experiment would have a chance to succeed and it might succeed. But I am certain that in the terms of the present Bill the idea is positively terrifying.

There is nothing in the Bill to say what the duties of these men will be. The duties will be as dictated by the Commissioner of Police. There is a very good aphorism that fire is a good servant but a bad master; and I have often said, "And so are police." The Commissioner of Police, the brass hats in the Police Force, and the humble constables are all very useful servants, but we do not want to forget that is what they are. They are not our masters and I hope to heaven they never will be. But if we say the person who for the time being holds the office of Commissioner of Police shall have absolute control over the jurisdiction which shall be conferred upon these Aboriginal aides, what effect they can have in any part of Western Australia on the vastly predominant white population, and what authority they may exercise over them, I would say we are certainly creating a police state, and I would not have a bar of that at any time.

I know very well that the treatment of the blacks by the whites in the past has been oppressive, and it has brought about today effects which, although they have ceased to be oppressive, are still a survival from those bad days.

A sequence of three novels has been written by Katherine Susannah Pritchard about the old goldfields. The first was *Roaring Days*, the second *Golden Miles*, and the third *Wind-blown Seeds*. In *Golden Miles*, which deals with the period from about 1920 to 1940, it is graphically described how the blacks came in from the bush to the towns of Boulder and Kalgoorlie and were driven out by a police sergeant with the aid of police dogs. That happened time and again. The blacks were treated little better than animals. The member for Swan mentioned that it happened occasionally that a sergeant prosecuted a black man, and the magistrate asked, "Where is the protector of Aborigines?" The sergeant would answer, "I am a protector of Aborigines, and the other sergeant of police is a protector of Aborigines, so we are protecting the man who is being prosecuted." The Aboriginal did not know from whom he was being protected.

There have been all sorts of scandals and so on, but we are not concerned with

that tonight. We are talking about an amendment to the Police Act, the object of which is to try to enforce more law and order among Aboriginal people at the least cost, with the least disruption, and with the greatest effectiveness.

Will this experiment succeed? If it is limited to the Kimberley and to the control of Aboriginal people by Aboriginal aides, it might succeed. I am not saying it would—I have my doubts—but at the same time the experiment is worth trying, but not with a Bill like this, under which the experiment can be conducted anywhere in the State and would not be limited to the powers the Minister thinks would be proper if exercised by Aboriginal aides in relation to Aboriginal people who had breached the law. It would certainly not be very appropriate or tactful but would be highly dangerous if the Aboriginal aides were turned loose on the people in this State with whose psychology I am familiar. I do not claim any knowledge of the psychology of the Aboriginal people in the Kimberley, but I do claim very special knowledge of the psychology of the white people in my own constituency.

The hour is late but there are one or two other small points I would like to make. I do not see any insuperable difficulty about the industrial conditions applicable to these aides. I am as concerned about industrial conditions as anyone else in the Labor Party, and I am a 100 per cent advocate of unionists as the backbone of this party and this country. But there is nothing to prevent there being an Aboriginal aides' union, just as there is nothing to prevent there being a nursing aides' union. There are bricklayers' labourers' unions, as well as bricklayers' unions, and there is no reason why we cannot have a union for Aboriginal aides.

The particular standard of pay could be left to the Industrial Commission to determine, as well as any margins for skill. This Parliament can make laws. After all, the unions are registered under the laws. They do not invent themselves; they do not register themselves. They cannot bring themselves before the Industrial Commission without our leave because the Industrial Arbitration Act was passed by the Parliament.

What I want to say is this: There is no reason that the experiment could not be tried, provided it is carefully worked out and the details are stipulated. We must know where it is to be tried, how it is to operate, and for how long it is to operate. Certainly the duties to be performed by these aides should definitely be stipulated, as well as their conditions of employment. When we read this Bill, we do not have a clue about what will happen. We are told only what is in the mind of certain well-intentioned people at the moment. We do not know what is in the mind of the Commissioner of Police. He is not a member of Parliament; he has not made a contribution to the debate. We know that if the day comes when the Commissioner of Police has complete control over the functions of policemen and can direct what they will and will not do in such-and-such a place and in such-and-such circumstances then we are in danger of becoming a police State. I am certainly not going to advocate that.

I hope I have suggested to the Government the only possible lines upon which this proposal could work. I ask it to refer the legislation to a Select Committee of this Parliament to draft a Bill which ensures that all the safeguards I have in mind are given effect to. We have this piece of sloppy legislation and not one clause of such an utterly vague and completely indefinite measure should be passed by the House.

MR O'CONNOR (Mt. Lawley—Minister for Police) [11.02 p.m.]: Excluding the last speaker, we have heard tonight the greatest lot of knockers in history on a Bill put forward genuinely to help in an area where help is required, and in an area of great concern to both the black and white communities of this State. Any genuine member must see that we are entering a new field—without doubt, a very difficult area. The Government has not entered this field lightly at all, irrespective of what some members may think.

Mr Skidmore: Nobody suggested it had —not one member suggested that.

The SPEAKER: Order! The member for Swan was heard.

Mr O'CONNOR: From some of the comments made tonight, Opposition members do not seem to be prepared to assist in this difficult matter. They are quite happy to leave the Aborigines in the troublesome situation they are in at the moment.

Mr T. H. Jones: Who said that?

Mr O'CONNOR: The member for Collie for one.

Mr T. H. Jones: I said that we should have more constables.

Mr O'CONNOR: I will try to disregard the interjection, because of the lateness of the hour.

Mr T. H. Jones: Oh yes!

Mr O'CONNOR: All members must realise the seriousness of the problem. Members of certain tribes, and the elders in some cases, have approached us to indicate their concern, and to ask us to take action along the lines of that proposed in the legislation. Unless some action is taken, the position will deteriorate and members know this. I believe it is up to someone to come forward and do something rather than sit back and let what is happening in many places in the State continue.

When I was in Derby last year, I spoke to the elders from the Mowanjum Mission. This is not the only mission involved, as many elders in other areas approached me because of their concern at what alcohol has done to the members of their communities. We are trying genuinely to overcome the problem that exists. We are not closing our eyes to it; we know that more problems will arise, and for this reason we have limited the number of aides to be appointed.

We are prepared to act. If problems arise we will deal with them at that time knowing that we have to feel our way. We know it is very important to choose the right people for these positions to minimise the difficulties. Members of the Police Force spent 2½ or three months in the north of the State, and members ask what have we done? These officers spent the time travelling around the area and discussing the problem with the people involved. They spoke to tribal elders, to the Aborigines themselves, and to many people in the towns involved. These men spent a good deal of time in the north and around the Aborigines.

Mr Carr: So would we, if we had the air fare the tribunal recommended for us.

Mr O'CONNOR: I do not know about that.

Mr Carr: Certainly we would.

Mr O'CONNOR: The honourable member says he would, but at this stage I am not concerned about that problem. My concern is for the difficult problem that exists; the one we are going to overcome. I thought the Opposition would support us in our aim to help the Aborigines in the form they have requested.

Mr Skidmore: We cannot support the Bill in its present form.

Mr T. H. Jones: We made that clear.

Mr O'CONNOR: Some comments were made regarding Aboriginal housing, but that does not come within the scope of the Bill and I do not intend to go into it.

Mr T. H. Jones: It is a problem, and you know it.

Mr O'CONNOR: Opposition members asked whether the elders would take notice of these aides. Tribal elders approached us for some assistance, and they told us that if we appoint Aboriginal policemen they will ensure that everything possible will be done within the tribe to assist the aides. I respect the tribal elders, and I know they will not break their word. If members know how the tribes operate in the north, they will also know that the elders can be respected and will keep their word.

Mr Skidmore: Are you saying we do not respect them?

Mr O'CONNOR: Opposition members have not shown the respect—

Mr Skidmore: You couldn't say that. I have the greatest respect for the Aboriginal element.

Mr O'CONNOR: It is about time the Opposition tried to help them in this particular field because that is what we are trying to do.

Mr Grayden: We are.

Mr O'CONNOR: Members asked what areas we have visited. Police officers went to Wyndham, Broome, Kununurra, Fitzroy Crossing, Laverton, Leonora, and a number of other places throughout the north.

Mr T. H. Jones: Did they go to Laverton?

Mr O'CONNOR: Yes they did. I do not know off hand the names of all the towns they visited but they called at every town in the north where they thought this problem existed.

Mr Hartrey: The north is a long way from Leonora.

Mr O'CONNOR: We intend to try out the idea in the north. We realise there will be problems and difficulties. Only eight aides are being appointed, as I advised members, although we have the power to appoint more. We are placing these eight men in the Kimberley to try to overcome difficulties there before moving into other fields.

Mr Hartrey: You should put it in the Bill.

Mr O'CONNOR: If this were set out in the Bill, we would have to come back to Parliament when we wanted to extend the scheme into other areas. We should not restrict it to that degree.

Opposition members asked why the Aborigines could not be appointed as policemen. Of course they can if they pass the necessary exams and possess the necessary qualifications. We have Aboriginal policemen here in Western Australia, but the people who will be selected for the positions we are discussing would not have the qualifications nor the education to pass the exams to become policemen. However, we believe that they are the most suitable people to overcome the difficulties in the areas involved. In fact, in one town in the north the people have elected their own Aboriginal policeman.

According to the information I have received, this is working out extremely well. The people in this town chose to appoint some men now as they understand the aides will be appointed in the near future. This is just a trial at the moment, but I believe the results are very satisfactory and the system has afforded a tremendous benefit to the community and to the Aborigines themselves.

Mr Skidmore: That is the way it should have been left.

Mr O'CONNOR: Of course, if it was left on that basis it may not work, and that may be what members opposite would want.

Mr Skidmore: No, it is not. You have not given it an opportunity.

Mr O'CONNOR: I think the Government is acting courageously in moving into this field. It is up to the Government to try to do something in this respect, even if the Opposition does not believe we should help these people.

Mr T. H. Jones: Be fair; no-one said that.

Mr O'CONNOR: In that case members opposite should be assisting us in this difficult area. The member for Maylands said we should refer the matter to the Commonwealth. What a laugh! The way that Government has been carrying on, that is absolutely ridiculous. It stepped in on the matter of the freeway project after all the work had been done by the previous State Labor Government and the present Government. What a laugh that is!

Much has been said about the Police Union. Quite some weeks ago I discussed with the union the fact that we intended to appoint Aboriginal aides. Quite a deal of comment appeared in the Press about the matter when the Premier initially announced the move, and comment was also made in the Press when the Bill was introduced. I conferred with the Police Union this morning on this matter and other issues—

Mr T. H. Jones: An eleventh-hour job.

Mr O'CONNOR: Well, if the Police Union was interested in the matter it could have contacted me for further discussions. I am not criticising the union. I discussed the issue with it quite some weeks ago.

Mr T. H. Jones: The union denies it.

Mr O'CONNOR: Mr Speaker, I discussed the question of Aboriginal police aides with the union quite some weeks ago and I have discussed it with the union on more than one occasion since. I challenge the member for Collie to prove me wrong.

Mr T. H. Jones: The union told me it knows nothing about the contents of the Bill. It told me that this morning.

Mr O'CONNOR: I do not know whether it was aware of the contents of the Bill; I did not send it a copy. However, I did discuss the subject of Aboriginal aides with it. When the Bill was introduced in this House it received quite a deal of publicity in the Press, and anyone who wished to could have obtained a copy of the measure.

Mr Harman: The Government promised it would have meaningful discussions with unions.

Mr O'CONNOR: The Police Union indicated it was interested in this matter and would consider the possibility of looking after these aides.

Mr T. H. Jones: Do you say the Police Union has constitutional coverage for them?

Mr O'CONNOR: I do not know if it has.

Mr T. H. Jones: Do you consider it has?

Mr Skidmore: They could not cover them anyway.

The SPEAKER: Order! The member for Swan: the member for Collie has asked a question which the Minister is attempting to answer.

Mr O'CONNOR: The union might have to change its constitution, and I am sure it will do so if there is a need.

There is a need for us to do something in this area, unless we want the Aboriginal people to continue to destroy themselves as they are in many cases at the moment. I do not want that to continue, and I hope members opposite do not. I commend the second reading.

Question put and a division taken with the following result—

Ayes—22

Mr Blaikie	Mr O'Connor
Mr Clarko	Mr Old
Sir Charles Court	Mr O'Neil
Mr Cowan	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Mr Grayden	Mr Sibson
Mr Grewar	Mr Sodeman
Mr P. V. Jones	Mr Stephens
Mr Mensaros	Mr Thompson
Mr Nanovich	Mr Young
	(Teller)

Noes—14

Mr Bateman	Mr Jamieson
Mr T. J. Burke	Mr T. H. Jones
Mr Carr	Mr McIver
Mr Davies	Mr Skidmore
Mr Fletcher	Mr Taylor
Mr Harman	Mr A. R. Tonkin
Mr Hartrey	Mr Moller
	(Teller)

Pairs

Ayes	Noes
Mr Watt	Mr J. T. Tonkin
Mr Laurance	Mr May
Mr Coyne	Mr Barnett
Mr McPharlin	Mr Bertram
Dr Dadour	Mr T. D. Evans
Sir David Brand	Mr B. T. Burke

Question thus passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Old) in the Chair; Mr O'Connor (Minister for Police) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Part IIIA added—

Mr T. H. JONES: I indicate that we will not make a donnybrook of this Bill. Contrary to what the Minister said, I point out

that we agree with the principle of the Bill, but not with the appointment of aides. We do not want it to be said that we oppose the idea of assisting Aborigines.

Mr O'Neil: Then why did you oppose the second reading?

Mr T. H. JONES: We can make a donnybrook of this if that is the wish of the Minister for Works.

We do not want it thought that the Opposition did not oppose the Bill in the Committee stage. We do not agree with the appointment of these aides for the reasons clearly advanced during the second reading debate. We feel it is the wrong way to go about it and that police constables should be appointed. In a spirit of co-operation I say no more.

Mr HARMAN: During the second reading debate I asked the Minister to provide information in respect of the conditions of employment of these aides. I referred to annual leave, sick leave and, particularly long service leave. The Minister interjected to say he would reply to me later. I presumed he would answer when he replied to the debate, and I feel he inadvertently omitted to do so. I would like him to advise me of the working conditions of these people, whether they will qualify for long service leave, and whether their conditions will be the same as those applicable to police officers.

Mr O'Neil: There is a Statute that provides for that, and you know it.

Mr O'CONNOR: As the member would know, and as I pointed out earlier, Statutes outline this situation. There is no indication that these members would not obtain their proper leave entitlement.

Mr O'Neil: They are covered either by industrial awards or by the Act.

Mr O'CONNOR: The Police Union is looking into the situation from the point of view of looking after these people in their own areas. As far as I am concerned, there does not appear to be anything which would prevent these people from receiving their appropriate entitlements.

Mr HARTREY: This Bill is not primarily concerned with industrial conditions; it is concerned with other more serious matters. Clause 3(3) of the Bill states—

> A reference in any other law of the State (not being a law relating to condition of service of members of the Police Force) to a member of the Police Force shall be read as including an aboriginal aide appointed under this section.

There occurs to my memory an Act known as the Gold Buyers Act which is quite notorious where I come from. In that Act it is provided that any person who is a member of the Police Force may require any other person to account to him for any gold found to be in his possession.

I sincerely hope we are not going to pass an Act of Parliament which will permit Aboriginal aides to search, question and charge miners on the goldfields on that particular delicate subject, because if we are, the Government is buying itself a ton of trouble. That is what this section means; it has nothing to do with industrial conditions. It refers to members of the Police Force, and members of the Police Force shall be interpreted as including the Aboriginal aides.

Do not try it out my way, for God's sake! In fact, do not put it into the Act at all. The Bill should be referred to a Select Committee for redrafting. I am sympathetic to the idea contained in the Bill and I would like to see it come into operation, under proper conditions and restricted to certain areas of the State. It could be a reasonable experiment. I do not know whether it will succeed, but it might.

I am not as optimistic as the Minister for Lands, but it may work. We cannot pass legislation like this, and apply it to the entire State in such a casual fashion. For goodness sake, do not do it! The Government's sympathies are getting ahead of its discretion.

Mr O'CONNOR: I know the honourable member has a genuine concern in this regard. However, he would also realise the need for the protection of the aides under this Act. Unless a clause similar to this is included, they could be in trouble for carrying out their normal duties, which will be passed on to them through the administration by the Commissioner of Police. We believe it is the only way we can deal with the problem. We realise difficulties may arise; however, I do not believe they will occur to the extent the honourable member believes.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Police), and transmitted to the Council.

SUPERANNUATION, SICK, DEATH, INSURANCE, GUARANTEE AND ENDOWMENT (LOCAL GOVERNING BODIES' EMPLOYEES) FUNDS ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

House adjourned at 11.25 p.m.