I would point this out: The objectors of fluoridation are not a handful of abnormal or subnormal people; they include leaders in public life and some of the most skilled in the professions, but they differ sharply and widely from the views of those who advocate the use of fluoride.

I realise the hour is very late. I promised I would not speak for more than 20 minutes, and I have still two minutes to go. Last evening my colleague, Mr. Strickland, said that the taking of a Gallup poll might be a good idea, but I do not know whether Gallup polls on arches in the mouth or arches elsewhere are very popular. I do, however, suggest that the taking of a Gallup poll or some other poll on this question would dispel the foolish notion—I use the word deliberately—of those who contend that the opinions of anti-fluoridationists are held by a few.

We will find that a very large proportion of the people are still fearful of the consequences of fluoridation, perhaps mainly because they do not understand the merits or demerits of the case. But that is not their fault. I would prefer to see a positive campaign launched on this subject—not a negative one—to give the people the information to which they are entitled in order that they might achieve an understanding. This would be preferable to forcing the use of fluoride on all the people. Many people are unwilling to take fluoride, because of the very strong views which they hold.

For the time being, in spite of all that has been said in this Chamber and in another place, I am not satisfied with the case that has been put forward—not on the basis of compulsion, not on the basis of human rights, but on the basis that the community must be confident of the benefit of fluoridation of water supplies. If they are confident, they will agree willingly to assist in the implementation of the scheme should the case be proved.

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

House adjourned at 11.20 p.m.

Legislative Assembly

Wednesday, the 2nd November, 1966

CONTENTS

The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (14): ON NOTICE

NATIVES

Terms "Aborigine" and "Aboriginal"

1. Mr. GRAHAM asked the Minister for Native Welfare:

   (1) Are the words "aborigine" and "aboriginal" officially recognised in Statutes or otherwise in this State?

   (2) If so, will he indicate the correct words to use as a noun singular, a noun plural, and as an adjective?

   Mr. LEWIS replied:

   (1) These terms are not used in the W.A. Statutes dealing particularly with native welfare—namely, the Native Welfare Act and the Native (Citizenship Rights) Act—but "aboriginal" is used as an adjective in such Statutes as the Police Act, the Fisheries Act, and the Shearers' Accommodation Act. The terms are used in official reports and correspondence as appropriate.

   (2) There does not appear to be any determination as to "correct" words. The 1963 Conference of Ministers of Aboriginal Welfare adopted the singular noun "Aboriginal", the plural as "Aborigines", and the adjective as "Aboriginal"—in all cases with a capital "A".

   However, there is some inconsistency between the States; e.g., the Northern Territory Administration uses "Aboriginals" as the plural noun.

   In Western Australia the name "native" is officially used.

   I might add that if the honourable member is interested, he may have for perusal and return the copy of the report of the conference which dealt with this matter.

   Mr. Graham: Thank you.

CIVIL DEFENCE

Country Headquarters

2. Mr. GAYFER asked the Premier:

   (1) Has an announcement been made as to the siting of country headquarters for civil defence?

   (2) If so, what location has been decided upon?

   Mr. BRAND replied:

   (1) No.

   (2) Local headquarters are now operative in many country districts. As planning proceeds, local civil defence organisations will be grouped into appropriate regions, and regions into areas, each with its own headquarters.

KINGS PARK

Number of Trees Removed

3. Mr. GRAHAM asked the Minister for Lands:

   Approximately how many trees have been felled, bulldozed, or otherwise deliberately removed from Kings Park during the time he has been Minister for Lands?

   Mr. BOVELL replied:

   No trees were deliberately removed except for the purpose of establishing botanical gardens and other general improvements to Kings Park. The proposal and general policy has, as far as I am aware, received the acclaim of all in Western Australia. It would not be possible to count the number of trees it has been necessary to remove, but others have been planted in their place.

   Mr. Graham: What number has been removed?

   Mr. BOVELL: I have already said it is not possible to count them.

   Mr. Graham: Some thousands. That is the answer.

OSBORNE PARK AGRICULTURAL SOCIETY

Electrical Equipment: Subsidy to Install

4. Mr. GRAHAM asked the Minister for Agriculture:

   (1) Has he received an application from the Osborne Park Agricultural Society for a subsidy towards meeting the cost of installing electrical equipment in certain of its exhibition sheds as required by the State Electricity Commission?

   (2) If so, has he made a decision and what is it?

   (3) If no decision has yet been made, will he treat the matter as urgent in view of the fact that the society's annual show will be held on the 2nd and 3rd December?

   Mr. NALDER replied:

   (1) Yes.

   (2) A subsidy of $647 has been approved and the Osborne Park Agricultural Society has been advised by letter dated the 28th October.

   (3) Answered by (2).

KALGOORLIE DISTRICT HOSPITAL

Installation of Defibrillator

5. Mr. EVANS asked the Minister representing the Minister for Health:

   (1) Is he aware that the Shire of Kalgoorlie is very concerned at the delay of the Medical Department in making a determination in

respect of the council's request that a defibrillator be installed at the Kalgoorlie District Hospital?

(2) Can he advise when this installation will be made?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) No. The supply of a defibrillator calls for ancillary equipment and specially trained operatives.
The supply of equipment of this nature involves other centres than Kalgoorlie and is kept under review by a committee of cardiologists and resuscitation officers.

COLLIE COAL

Establishment of Coking Industry

6. Mr. MAY asked the Minister for Industrial Development:

(1) Is it correct that Collie coal can be economically coked as claimed by the Collie Miners' Union?

(2) Will his department set up a special committee to consider establishing such an industry at Collie and to send a representative of the Government overseas to ascertain the export market potential?

(3) Will he make representations to the Commonwealth Government to support financially the establishment of a coking plant at Collie over a period of years?

Mr. COURT replied:

(1) A foundry coke can be produced from Collie coal by a two-stage process. As no similar process is used commercially in other parts of the world, the economics of the process are not yet precisely known. The indications are that the process is not economically feasible on the scale which would satisfy markets likely to be accessible to the product made from Collie coal.

(2) There is no need for such a committee. The Department of Industrial Development is always seeking additional uses for Collie coal and can obtain the required information on market potential through its normal methods.

(3) It is much better to seek out an industry which does not need Commonwealth financial assistance, because it is doubtful whether a good case could be made out in competition with other coke sources.

In any case, no approach could be contemplated until a firm proposal is available.

Mr. May: At least I received an answer.

COAL

Contracts: Deputation from Miners' Union

7. Mr. MAY asked the Premier:
Concerning a deputation from the Collie Miners' Union re coal contracts to come into force as from the 1st January, 1967—

(a) Did he receive an urgent telegram sent on the 10th October, 1966, to me from the General Secretary of the Collie Miners' Union and handed by me to the Deputy Premier in the absence of the Premier in Canberra?

(b) If so, have the contents been considered and with what result?

Mr. BRAND replied:

(a) Yes.

(b) A subcommittee of Cabinet is considering the matters, and it is hoped to reach an early decision.

UNIVERSITY OF WESTERN AUSTRALIA

Currie Hall: Increased Tariff

8. Mr. JAMIESON asked the Treasurer:

(1) Is he aware of the proposed 30 per cent. increase in tariff at the W.A. University College Currie Hall for resident students in 1967?

(2) Is he aware that is $1.12 in excess of the maximum Commonwealth scholarship?

(3) Is the increase to be applied in part to the amortisation of the new rent free residence of $20,000 to be erected for Dr. Robin Gray, the head of Currie Hall?

(4) As the master's present residence was built only about four years ago, is not the demolition and re-erection of new quarters an economic excess?

(5) Has the Government any plans to subsidise students who are able to prove hardship in meeting the new tariff?

(6) If not, has the Government examined the possibility of extending study loans repayable over a period after the completion of studies at the University?

Mr. BRAND replied:

(1) to (4) The conduct of Currie Hall is a University responsibility and questions of this nature should be addressed to the Vice Chancellor.

(5) No.

(6) No.

RAILWAY EMPLOYEES

Christmas Holidays: Transport to Dongara

9. Mr. BRADY asked the Minister for Railways:

(1) Is it a fact that Government railway employees wishing to spend holidays at Dongara at Christmas will have to catch a goods train at 1.30 a.m. on Friday, the 23rd December ex Midland to arrive at Dongara at 3.20 a.m. on Saturday, the 24th December; that is, a journey of approximately 26 hours?

(2) Is it a fact that a private car could travel the same distance in 6 hours, or a railway bus in 10 hours?

(3) Would he try to arrange for his department to supply—

(a) a bus; or

(b) a more reasonable train schedule,

for the benefit of the railway men and families concerned?

Mr. COURT replied:

(1) Approval was given to a carriage being attached to this goods train at the request of the Workshops Welfare Committee.

(2) The times mentioned would be approximately correct.

(3) (a) A road bus is scheduled to depart Midland at 8.55 a.m. on Friday, the 23rd December, 1966, but availability of free passes and privilege tickets is subject to bus accommodation being available.

(b) Thirteen employees only are involved and in these circumstances alteration to the schedule of this train cannot be justified.

TRANSPORT

Wheat Carting in Esperance Area

10. Mr. GRAHAM asked the Minister for Transport:

(1) Has a tender yet been accepted for wheat carting in the Esperance area?

(2) Was this tenderer recommended by the transport department?

(3) Is it a fact that his affairs are in the hands of the receiver and further that he has not paid certain transport charges?

(4) What are the reasons for accepting this tenderer?

Mr. O'CONNOR replied:

(1) No.

(2) to (4) Answered by (1).

CHILD WELFARE

Adoptions of Children: Number

11. Mr. GRAHAM asked the Minister representing the Minister for Child Welfare:

During each of the last three years respectively, how many adoptions of children have been arranged—

(a) through the Child Welfare Department;

(b) Otherwise?

Mr. CRAIG replied:

	C.W.D.	Otherwise	Total
1963-64	157	291	448
1964-65	232	255	487
1965-66	285	276	561

Adoptions of Children: Regulations to Omit Names of Parents

12. Mr. GRAHAM asked the Minister representing the Minister for Child Welfare:

What progress has been made in the preparation of regulations under the Adoption of Children Act in relation to the matter of preventing the names of parents of children being revealed on official forms and otherwise?

Mr. CRAIG replied:

A first draft of the regulations has been prepared. Discussion between Crown Law and Child Welfare Departments is proceeding on the exact framing of these regulations, which refer to the last amendments to the Act and to the matter raised by the honourable member.

SHIPPING

Establishment of Dry Dock and Shipbuilding Industry

13. Mr. TONKIN asked the Minister for Industrial Development:

(1) In view of the fact that no major dry dock (capable of docking super tonnage bulk ships and tankers) exists in Australia, and in view of the firm possibility of such ships trading to Australia, thereby creating the need for the provision of adequate dry-docking facilities for such ships, will he state if any progress has been made towards securing agreement that such a dock be established in Western Australia?

(2) In view of Press reports of representations being made to the Federal Government in the matter of subsidising of a proposed shipbuilding industry in the State of Tasmania, will he state what representations, if any, have been made by the State Government of Western Australia

for the establishment of a major shipbuilding industry in Western Australia?

Mr. COURT replied:

(1) The State Government has, for a considerable time, been conscious of the fact that there is no dock in Australia capable of handling the very large ships that are now operating on our coast, with bigger ships to follow in the near future. Although we appreciate that most of these ships would undertake their routine docking in other countries because of greater facilities, greater speed of turn-around, and lower costs of docking—based on existing Australian experience—the Government nevertheless feels that there are better prospects now than before for the establishment of major dry-docking, ship-repairing, and ship-building facilities. In recent times there has been increased interest amongst Australian shipping interests.

A lot of work has to be done to establish the economics of such an industry. Initially it is not expected such a project would be economic, and Government assistance would be necessary. This State has very limited financial capacity to assist.

During my recent visit abroad I spent a large proportion of my time in consultation with Dutch docking, repairing and building companies which had shown interest in possible joint ventures with Australian interests in Australia. At least two of these companies are expected to send senior men here for on-the-spot discussions over the next few months.

The Canberra announcement of a feasibility study for a naval base, plus the Government's current planning of the Cockburn Sound future development, has also heightened interest in this important potential industry.

(2) The Commonwealth Government has been advised of overseas interest in a joint venture for development of docking, repairing, and building facilities in this State. This follows on previous advice to the Commonwealth Government of our interest in this type of development so that it understands what we have in mind and appreciates the significance of the Western coast in the overall nation-wide provision of these facilities.

Mr. Graham: I will move an extension of time!

Mr. COURT: At this stage, I am only almost up to the length of the questions. To continue —

It is our intention to keep the Commonwealth informed of the progress we make in our discussions. Likewise, it will co-operate with the State Government in its study of the Cockburn area.

It is understood the Tasmanian representations refer to seeking eligibility for normal type Commonwealth shipbuilding subsidy. We would regard such a request at this stage premature without a firm proposal.

I should add that I have not been able to check the exact nature of the Tasmanian representations, but I understand they are only in connection with the normal shipbuilding subsidy.

State Ships: Replacements

14. Mr. TONKIN asked the Minister for Transport:

(1) Is it a fact that the State Shipping Service is contemplating the charter of another ship for the north-west coastal trade?

(2) What plans, if any, has the Government in mind for the replacement of the *Dorrigo*, *Dulverton*, and *Delamere* which are now approximately 20 years of age?

(3) Will the Government ensure that future vessels of the State Shipping Service will be of such tonnage as to enable them to be dry-docked or slipped at Fremantle?

Mr. O'CONNOR replied:

(1) Currently, no. In June last, the S.S. *Dulverton* returned to service with increased capacity of 500 tons a voyage, following the installation of an extra foredeck on the vessel.

The M.V. *Koolama*, presently in Hong Kong undergoing lengthening, which will augment the vessel's carrying capacity of approximately 500 tons per voyage, will be returning to the coast late December.

(2) The W.A. Coastal Shipping Commission is actively progressing investigation of a new type tonnage most suitable to the type of trade in which the service is engaged and desirable in the replanning of the fleet required for future needs.

(3) The commission in its replanning of new type tonnage will be considering revolutionary design tonnage to achieve quick turnround and fast cargo handling methods. The design will be tailored to meet

the needs of its trade, and an assurance that vessels will be restricted in size solely to dry-docking purport could not be given.

BILLS (8): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Bills of Sale Act Amendment Bill.
2. Bread Act Amendment Bill.
3. Health Act Amendment Bill.
4. Corneal and Tissue Grafting Act Amendment Bill.
5. Education Act Amendment Bill.
6. Fisheries Act Amendment Bill.
7. Strata Titles Bill.
8. Companies Act Amendment Bill.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Receipt and First Reading

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

CLOSING DAYS OF SESSION

Standing Orders Suspension

MR. BRAND (Greenough—Premier) [4.45 p.m.]: I move—

> That until otherwise ordered, the Standing Orders be suspended so far as to enable Bills to be introduced without notice, and to be passed through all their remaining stages on the same day, all messages from the Legislative Council to be taken into consideration on the same day they are received, and to enable resolutions from the Committees of Supply and of Ways and Means to be reported and adopted on the same day on which they shall have passed those Committees.

In moving this motion, I am moving the motion which is presented to the House every session at this time of the year. I would like to advise that, as far as the Government can ascertain, there will be another 25 Bills to be presented. A long list of Bills which are associated with the Budget are scheduled for the second stage here today. In addition, the Minister for Transport also has five Bills associated with his portfolio and dealing with the one subject.

Mr. Bickerton: Does that number include what is on the notice paper?

Mr. BRAND: No; I should say there could be 20 new Bills in addition to those listed, but I cannot be held to that number. As far as we can ascertain this is the number of Bills which will be coming forward.

Mr. Jamieson: When do you anticipate finishing?

Mr. BRAND: The anticipated day of finishing is rather difficult to arrive at. We did think in terms of Friday, the 25th November, but it could easily be one week later. I do not suggest that we should sit unduly long hours in order to save a week, because the 3rd of December is not so late as far as the close of a session is concerned.

Mr. Hawke: The 3rd of December is a wonderful day.

Mr. BRAND: I presume that no-one other than Mr. Hawke came to light on that day, and I would like to be out of it before he has his birthday. However, the session has not been such a difficult one. I feel that by sitting fairly tightly each night, and bearing in mind that we will be sitting on Thursday evenings from now on and maybe on Fridays towards the end of the session, we will be able to finish in reasonable time.

MR. HAWKE (Northam—Leader of the Opposition) [4.50 p.m.]: It is surprising to find there is such a large number of Bills still to be brought before Parliament this session, some of them very important judging from the little information we have been able to gather. We are now into November and if Parliament is to finish this session on the significant date suggested by the Premier, clearly we will have to do something to get outside the normal procedure set down in Standing Orders.

Mr. Ross Hutchinson: Secure co-operation.

Mr. HAWKE: The Government has had remarkably good co-operation from members on this side of the House and, in fact, on some issues far better co-operation than it has had from members on its own side. I can assure the Premier the Opposition will continue to co-operate reasonably. When controversial subjects come before us we will face up to them in a way we think appropriate and best, just the same as Government members did when we were in Government and they were in Opposition.

I hope the important Bills among those yet to be introduced will be brought before this House or the other House reasonably soon in order that members might have time fairly to study them. It is well known some measures can be very complicated and greatly detailed. In that event much inquiry is necessary among those who are likely to be concerned in the community, and these negotiations and interviews cannot be arranged overnight; they certainly cannot be organised and carried through in a day or two; they require a much longer time than that.

So I appeal to the Premier to have the major measures yet to be introduced brought down as soon as possible so members on both sides of the House, and indeed members in another place, might have a reasonable opportunity to study them and to ascertain, as near as possible, what they are all about so they can do the best they can to ensure the measures they approve are passed in the best possible form.

MR. BICKERTON (Pilbara) [4.54 p.m.]: What the Premier has said about this motion, which requires that Standing Orders shall be suspended, being the normal procedure that has been adopted by all Governments at this stage in every session is quite true, but I still say, as I have said previously on several occasions, it is a little stupid to have Standing Orders at all. They serve their purpose in the early stages of the session. Sometimes a long-winded procedure has be be gone through in introducing Bills into the House; and very often the Bills that are brought before the House in the early stages of the session are not very important; in fact, they are mainly machinery matters.

When we come to the important pieces of legislation, they are passed through all stages in one sitting, if necessary, with the Standing Orders suspended, which means that the Standing Orders hardly operate at all. The necessity to find some way of obviating this course of action is, I think, most desirable. If we are to pass most of our important legislation in the latter stages of the session, when Standing Orders are suspended, and if the House considers this procedure is correct, I cannot see why it should not operate all the time. It is accepted it is a normal procedure that has been in operation for a long time, but it would be interesting to know the initial reason for suspending Standing Orders. From what I have been able to read on the subject, Standing Orders are suspended to discuss matters of urgency. On reading through *Hansards* of past years, one finds there have been extremely long debates on the question of what constitutes a matter of urgency.

In a book, written, I think, by Mr. Lee Steere, who was in this House for many years, there is set out some details of a debate which took place on the question of whether a matter was one of urgency, and whether Standing Orders should be suspended. But now it appears that no such queries are ever raised. The motion is just moved, and the Government always has the numbers to carry it.

Mr. Nalder: Was the gentleman to whom you referred an officer of the House?

Mr. BICKERTON: Yes.

Mr. Nalder: I think his name was Steere, not Lee Steere.

Mr. BICKERTON: Yes, that is correct. However, it is hoped that in reviewing our Standing Orders before next session we may be able to find some means of making the existing procedure a little more equitable.

MR. BRAND (Greenough — Premier) [4.57 p.m.]: The member for Pilbara has certainly raised a fair query, but in the years I have been here this is the motion that has been moved yearly, and yearly a query should have been asked. However, because of the rush at the close of the session, no matter who has been in charge of the House, it seems that Parliament has chosen this course to save two or three days before the second reading of a Bill is introduced. After all is said and done, the explanation of a Bill is the important thing so that it may pass through to the other House in the shortest possible time. I, too, hope that following deliberations on the Standing Orders we can find a more realistic method to deal with these matters, whether it be early or late in the session.

I thank the Leader of the Opposition for his co-operation, and I can assure him we will bring the major legislation down as quickly as possible. Some of it is already on the notice paper, and there should be five major Bills in the 20 yet to be introduced which I have mentioned. We will bring these Bills down as early as possible.

Question put and passed.

GOVERNMENT BUSINESS

Precedence on All Sitting Days

MR. BRAND (Greenough — Premier) [4.58 p.m.]: I move—

> That on and after Wednesday, the 9th November, Government business shall take precedence of all motions and Orders of the Day on Wednesdays as on all other days.

In moving this motion I can assure those members who have private members' Bills on the notice paper at the time of the suspension of Standing Orders, that they will be dealt with, and members will be given full opportunity to debate them, as this is only reasonable and fair.

MR. HAWKE (Northam—Leader of the Opposition) [4.59 p.m.]: We on this side of the House have no objection to this motion in view of the assurance given by the Premier in regard to private members' business already on the notice paper. The only matter which is not on the notice paper is the one which the Deputy Leader of the Opposition and myself discussed last night with the Premier and the Minister for Justice, and about which there was an understanding.

Question put and passed.

BILLS (3): INTRODUCTION AND FIRST READING

1. Financial Agreement (Amendment) Bill.
2. Traffic Act Amendment Bill.
3. Totalisator Agency Board Betting Tax Act Amendment Bill.

Bills introduced, on motions by Mr. Brand (Treasurer), and read a first time.

STAMP ACT AMENDMENT BILL

Leave to Introduce

MR. BRAND (Greenough—Treasurer) [5.2 p.m.]: I move—

For leave to introduce a Bill for an Act to amend the Stamp Act, 1921-1965.

MR. HAWKE (Northam—Leader of the Opposition) [5.3 p.m.]: I support this motion, because my colleagues and I would hate to follow the shocking example which was given in another place yesterday by members of the Government parties in refusing a member of that House the right even to have the first reading of a Bill, which is in the form of the motions just moved by the Treasurer.

We believe every member of Parliament should have the right to have a motion of this kind carried, irrespective of whether the Bill is introduced in the Legislative Assembly or the Legislative Council, so that its contents might be clearly made known to the Parliament and to the public, and so that full and frank discussion and debate might take place up to the stage where the second reading of the Bill is decided by vote, and, if thought necessary by members in either House, by a division.

Question put and passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by Mr. Brand (Treasurer), and read a first time.

BILLS (5): INTRODUCTION AND FIRST READING

1. Lotteries (Control) Act Amendment Bill.
2. Land Tax Act Amendment Bill.
3. Death Duties (Taxing) Act Amendment Bill.
4. Administration Act Amendment Bill.

Bills introduced, on motions by Mr. Brand (Treasurer), and read a first time.

5. Motor Vehicle (Third Party Insurance) Act Amendment Bill.

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

ELECTORAL ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Graham, and read a first time.

Second Reading Stage

MR. GRAHAM (Balcatta) [5.10 p.m.]: I would like the Premier to listen to what I have to say. I move—

That the Bill be printed and the second reading be taken forthwith.

Question put and passed.

Second Reading

MR. GRAHAM (Balcatta) [5.11 p.m.]: I move—

That the Bill be now read a second time.

I hope and trust the Government will see its way clear to support this measure, in contradistinction to the attitude it adopted some three years ago when a Bill in like terms was introduced by me. I say this, because in 1963 the Government informed the members of this House that it was giving attention to the making of substantial amendments to the Electoral Act including, as subsequently transpired, the alteration completely of the system of voting for the Legislative Council. For that reason the Government did not desire piecemeal amendments, but preferred to review the entire situation.

Unfortunately when the Government's programme was launched, it was found that the emphasis was on the amendment to provide adult suffrage for the Legislative Council, and some lesser points of interest which required attention were not embodied in the Bill.

Under the electoral law of the Commonwealth of Australia and, indeed, of the majority of the States of Australia, if a person is enrolled as an elector and moves to another electoral district, then after he has been in that new locality for a month he is entitled to be enrolled. That situation applies in respect of the Commonwealth, the South Australian, the Victorian, the New South Wales, and the Tasmanian rolls; the only exception is Queensland.

So far as Western Australia is concerned, from 1907 until 1948 the one-month residential qualification sufficed to establish the right of an elector to transfer to the roll of the new area in which he was situated. In 1948 the Government introduced an amendment for reasons which had never been conveyed to members of this House, so much so that the then member for Nedlands—who previously had been a leader of the Liberal Party—declared that no case had been made out—and this can be found in the reports of the Western Australian *Hansard*—and that he found there was no reason he could think of which would justify the Government in taking the steps which it did take to put Western Australia

out of line with its sister States and, perhaps more importantly, out of line with the Commonwealth, as a consequence of which confusion was caused to the electors in Western Australia.

A person who is enrolled on the Balcatta roll at the present time could also, perchance, be on the roll of the Balcatta subdivision of the division of Stirling. Let us assume he moves to Fremantle. After a month has passed he is eligible, and indeed he is required, to effect a transfer of enrolment with the Commonwealth Electoral Office, but he needs must wait an extra two months before becoming eligible so to do in conformity with the Electoral Act of this State. That is the height of foolishness. It is confusing to many of the people; and in some cases that have been brought to me, action has either been threatened, or has, in fact, been taken against persons who had imagined they had acquitted themselves of their responsibility in the first step they took after one month.

I am aware that individual electors should be sufficiently informed to know the difference between Commonwealth and State enrolments, but many do not; and surely in a matter as basic as qualifying to vote in a certain district, we should make the procedure as simple and streamlined as we possibly can. So long as we agree to differ from most of the States of the Commonwealth and the Commonwealth itself, then we are making confusion worse confounded.

I indicated, when introducing the Bill three years ago, that I hoped the Government would adopt this proposal, reverting to what was in existence in Western Australia for 41 years, and in respect of which I do not think there was ever a valid complaint that this should be taken as a prelude to our requiring the Commonwealth to undertake all enrolments. That is provided for in a section of the Electoral Act at the present moment. There was some demur previously on account of property qualifications for enrolment of the Legislative Council, but now there is adult suffrage for that House, the one claim card suffices for both Houses of the State Parliament.

If we put our enrolment procedure on all fours with the Commonwealth, then the Commonwealth department could undertake this responsibility and one card only would be required by all electors, both in respect of their initial enrolment and a transfer from one electorate to another. One card and one card only would do the job. Therefore it should surely appeal to the Government and its supporters as being a common sense procedure that this system should be followed.

It is a system that has been adopted —again I repeat—by all of the other States of the Commonwealth except Queensland, and it has been retained irrespective of the political complexion of the Governments for the time being. Indeed, I should point out that even in Queensland there was this provision of one month's residence in a new electorate as being the entitlement to enrolment in that electorate; but, for some obscure reason, perhaps for some party-political advantage, the procedure was changed, I think about 1939. So that State and Western Australia are out of step with the sister States; but, more particularly, I repeat, with the Commonwealth, because it has electoral activity, of course, in Western Australia and Queensland with the degree of confusion I have already outlined.

I want to assure the House I have no motive whatsoever other than to do the common sense thing. The only suggestion that has been made over the years is that the shorter period would allow some unprincipled people to engage in the stuffing of the rolls; that is to say, deliberately transferring groups of people to certain electorates with the object of influencing the result in electorates where perhaps there is a small balance. But in the days I have mentioned, from 1907 to 1948, electorates consisted of far fewer people than is the case at the present moment. Therefore the impact of 20, 50, or 100 workers would have been felt because of the greater percentage they would have constituted of the entire electorate. They would have had a far greater influence than they possibly could at the present moment.

In any event, I do not seriously believe —neither, I think, does any other member —that Governments would deliberately undertake a programme of work in some country centre and transfer people in great numbers for political advantage; because, after all, who could say with any degree of certainty the manner in which these Johnnies-come-lately in a certain area would cast their vote?

I want some solid argument against this proposition, if one can be adduced, if the Government is so recreant of its responsibilities as to endeavour to baulk this long-awaited reform. I was requested to introduce this legislation because of a certain embarrassment that has confronted a member of this Parliament as a result of the confusion created by the different periods. I venture to suggest there are some members of this House who were previously unaware of the fact that one could, after a month's residence in a new electorate, enrol there for the Commonwealth, but that it requires three months in the case of the State.

There is another provision in the Bill, and that, again, is designed to bring a basis of uniformity. At the present moment in the Electoral Act of all the States of the Commonwealth, with the exception of this State and, I think, Tasmania, it is necessary for a person to be

a resident of the Commonwealth for a period of at least six months, and resident of the State in which he seeks enrolment for a period of three months in order to be entitled to be enrolled. But this State and Tasmania insist that a person, in addition to being a resident of Australia for at least six months, shall also be a resident of Western Australia and Tasmania for a period of six months in order to qualify.

There is some merit in reciprocity; and I think, in a matter such as this, it could have no deleterious effect and there should be a basis of uniformity.

I do not think there can be a valid argument about providing, as the Bill seeks to do, that a person shall, after being a resident of the Commonwealth of Australia for at least six months and resident of the State of Western Australia for at least three months, become entitled to be enrolled for State as well as Commonwealth purposes. That is the second proposition.

The third provision in the Bill is to correct what I think was an oversight when amendments were made at an earlier date which provided for the presiding officer, when an election is being held, to ask the the question as to whether a person has, within the last preceding six months, *bona fide* lived within that district. Obviously it should be a residential period of three months.

What I have indicated is an outline of the Bill. There is nothing to be achieved by retaining the Electoral Act in its present form, but it will constitute a simplification and overcome confusion if the amendments in this measure are agreed to by this Parliament. I hope and trust, therefore, that the Government will consider the proposition on its merits and will not in any way be influenced by party considerations or any suspicion, without any evidence, that there is hidden in this Bill an intention to do something to gain advantage either for some candidate or for some political party. I commend the Bill.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Graham, and read a first time.

ORD RIVER SCHEME

Condemnation of Federal Government for Refusing Financial Help: Motion

Debate resumed from the 26th October, on the following motion by Mr. Hawke (Leader of the Opposition):—

> That in the opinion of this House the Federal Government deserves to be condemned strongly for its recent refusal to grant financial help to the State of Western Australia to enable the vitally important Ord River Irrigation Scheme to be completed.

MR. COURT (Nedlands—Minister for Industrial Development) [5.27] p.m.: When the Leader of the Opposition introduced his motion, he emphasised that he was not desirous of introducing any party-political argument into the debate; and, in approaching our reply, the Government desires to continue this approach. I hope the House will accept the comments I propose to make and the amendment I desire to move in the same spirit.

When the amendment is duly moved, members will appreciate that it is intended to set out in longer form than is normal for a motion of this kind some of the reasons why the Legislative Assembly expresses its concern at the Commonwealth Government's decision. It is felt by the Government that instead of a straightout condemnatory motion which, because of the times in which this motion is being considered, could be construed in certain quarters as introducing a highly charged party-political atmosphere, it is better to set out in clear terms some of the reasons which led up to our expression of concern at the decision by the Commonwealth Government to further defer a decision on financial assistance for the Ord project.

The people of this State, whether supporters of the Government, or supporters of the Opposition, would be less than human if they did not feel some sense of disappointment and, possibly, a feeling of frustration at the Commonwealth's announcement to defer still further a decision on financial assistance for this great project.

It is fair to say, as stated by the Leader of the Opposition in the course of his introductory speech, that most people in this State had come to assume that following the previous deferment, with the provision of much more information of an advanced nature that had been supplied by the State Government, and the good results that had been achieved by the farmers operating under commercial farming conditions, the time was ripe for the Commonwealth Government to give a favourable decision.

No-one would expect the Commonwealth Government to come straightout and give an unconditional grant of the money requested. At least it was felt, I think, generally by the community that the Commonwealth would commit itself to the project and at the same time offer to enter into consultation with the State Government on the timing and the method by which the finance could be made available for the project.

I want to make it clear to the House that the State Government has vigorously pressed its support of the project with the Commonwealth, and continued to do

so right up to the last meeting which was held between the Commonwealth and State Ministers. That was the second of two meetings held in fairly quick succession. Following the first meeting, certain information was sought, and we felt that by the time we attended the second, and more important and crucial, meeting that we had answered all the questions and had met all the criteria which had been laid down by the Commonwealth Government at the time.

We also felt that after the second meeting the Commonwealth was entitled to some time in which to quietly consider the situation in the light of the information which had been put before it, and in the light of discussions that had taken place at the second of the two meetings. We felt this was fair and reasonable; because one cannot expect to get these things decided in a favourable atmosphere if, in point of fact, one continues battering after having presented the case strongly, and having discussed it and made one's point.

However, I think I can say with complete fairness that some of the opponents of the scheme were not working on this theory during the crucial interim period when the Commonwealth was, in fact, making up its mind before the election. It was the understanding that a decision would be made before the election, and those people who were opposed to the scheme were very vocal; and, in some respects, they were quite vicious in their attacks on the scheme and in the methods they employed to try to discredit the scheme.

Mr. Jamieson: Those people live much closer to Canberra than we do, unfortunately.

Mr. COURT: Where they come from, of course, is a little irrelevant at the moment. Where they go to is probably more important, and we will leave that out of our reckoning at the moment. I want to make another point regarding the campaign launched against the project in the north of Western Australia.

We in this State have never attempted to decry other schemes in Australia. We could stand up and make speeches and explain why the Ord has many great advantages over some of the other schemes. We could write pamphlets and engage experts, but that would not get us anywhere. Australia is a huge country with a tremendous area, and we have to develop its resources. We in this State feel that rather than have criticism of one district against another, it is in the interests of Australia that all projects should proceed. We wish the other States well in their projects, and I think this has been the attitude of all Western Australians towards Australian development.

If we look at it in another way, we realise that we cannot always expect nature to be on our side year after year. We remember the tremendous advantage to the nation through Western Australia having a record harvest last season, when severe droughts were experienced in the Eastern States. The fact that we have this huge country with its different climatic conditions over its length and breadth is a great security and a salvation to the economic security of the whole of Australia.

One cannot be absolutely definite and final, and give a guarantee in respect of all the results of any project, until the project is finally completed. But in some quarters we are expected to give a watertight guarantee of what this project will do when completed. In effect people are asking us to build the project and then ask for assistance. Of course, that is something which could not be contemplated.

It is customary in projects of this kind to use all the practical results which are available, and supplement those practical results with the expert advice, which can, in most cases, be fairly definite as to trends and potential. The Ord project is no exception. We have had the unique situation of over 20 years of valuable research conducted by some very dedicated people on a combined State-Commonwealth basis; that is, the C.S.I.R.O. and the State Department of Agriculture. On top of this we have had the unique experience of being able to superimpose, through the diversion dam stage, some practical farming. That practical farming has been on a strictly commercial basis.

I feel that practical experience has added great strength to the case we have put forward. I cannot recall any other project of this nature which has been backed by this type of information based on long scientific research by reputable scientists, and followed up with some sound commercial farming to give a practical demonstration of the value of the research. I do not know of any other project which could give a watertight guarantee that the project would achieve anything. We do not decide any great project on that basis. We took the best expert advice and, after studying it with common sense, completed the first part of the scheme.

On the engineering side, we had the same sort of dedication as was displayed on the agricultural side. Our engineers have been superb in their approach to this problem. Their original concept of building the diversion dam first to enable conservation of water for practical farming experience was a very courageous engineering decision. We should applaud men who are prepared to gamble their professional reputation to demonstrate how these things can be done.

Those members who have seen the project—and most members have seen it—will know what a great challenge it was to

the engineers to harness that mighty river with a diversion dam pending the construction of the main dam some 30 miles upstream.

Mr. Davies: Can you tell us the total cost to the State of this scheme?

Mr. COURT: I cannot at the moment, but I will probably have the figures available before I finish my speech. To make doubly certain, we obtained the services of the Snowy Mountain Authority, which is an Australian hydraulic organisation which has developed an international reputation for expertise in these matters. That authority made its own studies of the cost, and the engineering approaches to the scheme, and, with very minor modifications, supported the proposition put forward by our engineers.

Suggestions have been made that there was no guarantee as to what the final costs would be. So far as is humanly possible, this project has been costed to the nth degree. The Snowy Mountain Authority has checked the estimates by recognised methods and has come up with answers very close to the answers produced by our own people. We have been quite happy to accept the modifications that have been suggested; and, in the main, those modifications were arrived at in consultation with our own people.

I want to make it quite clear that we as a Government—and I am sure the Opposition would be at one with us—do not dispute the right of the Commonwealth Government—in fact, we do not dispute its duty as a Government—to take a critical and searching look at a project placed before it, regardless of the type of the project itself. This is the Government's responsibility to the nation. However, we do expect that it will approach all national developmental projects, such as this, with a reasonably optimistic and realistic basis, having regard for past history or current experience and the objectives of national development.

We have assumed, and accepted it as basic fact, that the formation of the Northern Division of the Department of National Development—which was a Commonwealth decision in preference to the advocacy of the States for an authority—was a demonstration of the Government's earnest desire to press on with northern development. Likewise, we have regarded the Ord as something more than just a project in its own right, but rather a symbol of what can and will be done in our northern areas to harness those great rivers and put them to work to water the fertile valleys through which they flow.

If the economic test is going to be measured against the short and long term economic returns of the investment of the same amount of money in more developed southern parts of the State, then we might as well not persevere with the presentation of projects; although, strangely enough, because of a number of natural advantages which the river, its plains, and the topography give it, the Ord measures up extremely well against the very exacting economic standards imposed by the Commonwealth.

One of these great advantages—and this will be of interest to members—is that due to the topography where the river comes through the ranges, it is possible to build the great Ord Dam to hold 3,500,000 acre-feet of water at a much lower cost than has been possible elsewhere. It is just a freak of nature. It so happens that the proposed main dam is intended to conserve 3,500,000 acre-feet of water, and Lake Eucumbene has, for all practical purposes, the same storage capacity. I would like to give members a few brief facts regarding some other dams.

I refer to Lake Eucumbene which was built in 1958; and I emphasise 1958, because it will be appreciated that the cost of building that dam today would be very much greater—roughly, between 30 to 40 per cent. greater. I will use the actual cost figures. Lake Eucumbene has a capacity equivalent to the main Ord Dam, and the cost was £5, or $10 per acre-foot. Wyangala has a capacity of 1,000,000 acre-feet, and was built at a cost of £14, or $28 per acre-foot.

Warragamba has a capacity of 1,665,000 acre-feet and was built at a cost of £23.3, or $46.6 per acre-foot. Blowering was built at a cost of £21.3, or $42.6 per acre-foot. Keepit, which is one of particular significance in this consideration of expense, has a capacity of 345,000 acre-feet, and was built at a cost of £33.4, or $66.8 per acre-foot.

Those are vital figures when compared with the estimated cost of conserving the water at the Ord River Dam. Lake Eucumbene cost $10 per acre-foot, and today's costing for the Ord main dam is $5.3 per acre-foot—or £2.9, to keep it in comparable currency.

I stress again that the other figures I have given are based on the costs at the times when the dams were built and not on today's values, which further loads the cost factor in favour of the dam we can build on the Ord.

Members have seen the site. It is a natural one and the dam can be built with a rock fill. Most of the materials are on the site and therefore there is no problem with transporting large quantities of materials such as cement and steel to the location.

Another important point I want to stress is that 14 per cent. of Australia's potential fresh water is, in fact, in the Kimberley area. This is a very large proportion, and I am assured by the engineers who are very interested in the hydraulics side of this State's development, and are taking an active interest in the overall Australia-wide conservation and use of water, that the figures are correct. The time is fast

approaching—and it is coming much quicker than most people realise—when there will be competition for the known water potential in the southern parts of Australia, and particularly in the south-eastern part.

Population development and modern sophisticated industry are very big users of water, and if Australia is to continue to play an ever-increasing role in the provision of food and fibre for the world, it will be necessary for us, as quickly as we can, to harness some of these great northern rivers so as to use the adjacent fertile plains. Some people would rather chide one for making this statement, but if one studies the situation in the south-eastern part of Australia—and I am referring particularly to New South Wales and Victoria, and their neighbouring areas —one will realise the amount of water available is not unlimited, and it will not be long—I would certainly say within a decade—before the authorities, both Commonwealth and State, are having to address themselves very carefully to the question of the rational use of the water available for population and industrial growth and to meet the minimum commitments that can be anticipated in respect of agriculture.

Mr. Davies: There was a recent conference in Canberra on it.

Mr. COURT: That is going on all the time. A vigorous water conservation campaign is being undertaken by certain people in Australia. These people are making every effort to focus attention and have this water controlled by a national scheme.

As time goes on and population increases, and industry increases, and the demand for food and fibre increases, pressure will go on for something to be done about the water potential in other States, particularly in the north of Australia—I refer principally to the fact that 14 per cent. of Australia's potential fresh water is in the Kimberley area. This is a source of water which is not in competition with any other, nor has it a competitor.

Perhaps I can illustrate it this way. There was a time when people used to talk about harnessing some of these great rivers in the north and then piping the water away to other parts of Australia. This is not now economically feasible and the thinking of those days has gone. I understand from the engineers that when large volumes of water have to be reticulated for more than 200 miles today we start to get into an area where the modern techniques of desalination take over; and the economics progressively run in favour of the modern techniques of desalination.

Therefore, the water in the northern part of our State, particularly in the Kimberley region, is not in competition with any other water, nor has it a competitor. As a result we can, with complete security and confidence, go ahead with the harnessing and the use of this water for the purpose for which we need it most—the production of food and fibres.

If, in the course of time, as a result of mineral and other developments, we need large quantities of potable water for industry in Kimberley, there will still be ample in the area, because of the great northern rivers yet to be harnessed, to cope with the requirements of industry and agriculture.

I come back to the question of economics. We are of the opinion that the practical farming experience and the research experience have demonstrated that the Ord project is economically viable. It is no secret that the test imposed initially, in the early part of this year, by the Commonwealth, was that the Ord cotton should be able to stand on its own feet without subsidy and without tariff protection and compete in the export market with the subsidised cottons of America, in particular, because American cotton is something of a pacesetter in the world cotton market.

In arriving at this set of criteria it was made a condition that we would have to anticipate a 25 per cent. increase in costs over the next few years, and a drop of 2c in the then world price of cotton. This was a very severe test. However, when the research was undertaken between the two ministerial meetings we were able to come back the second time with complete confidence and, in our opinion, demonstrate that the Ord project was capable of standing up to this test.

It must be realised also that this project as it expands in size will gain economic strength. The economies of scale work in its favour. The very size of the operations enable efficient methods of handling and transport to be used, and this applies whether one is bringing raw materials in the form of fertilisers, and so on, into the area or taking away from it the finished product in the form of cotton or sorghum grain, or any other product. For this reason we felt that the future of the project was economically established and assured.

I want to make another point. There is a tendency when one is strongly in favour of a project—and I make no secret of my feelings in this matter, but, as a Government, we have tried always to have our feet on the ground—to soft pedal certain problems and costs. In this case I want to assure members we have done nothing of that kind. In costing the project we have insisted on a rate of 6 per cent. for interest being charged, as a primary cost against the project, on the total capital committed by the farmer for the project. The farmer simply treats that as a basic cost on his farming operations—a 6 per cent. interest charge.

On top of this, and in addition to all the normal farming costs for fertiliser, labour, fuel, seed, and so on, we have insisted on a full and proper charge for depreciation; and then we made a further charge, as a basic cost, of $4,000 a year as a living allowance for the farmer, and that is a charge against the costs of his farming. I do not think we can be any fairer than that.

In assessing the performance of these farms the Minister for Agriculture has some expert authorities to assist him. They have been responsible for checking on the real figures. They have done it with great thoroughness and they have preserved a degree of consistency from year to year so that the information available to us, to the farmers, and to the Commonwealth, will have a sound basis and not be based on some optimistic or assumed level.

I want to make another point which is pertinent. This, too, is covered in the amendment I propose to move. At no stage has it been a proposal of the State Government that this project should be based on a monoculture or single cash crop; but diversification has been the aim. It was basic to the original concept, and this idea is still valid and is being followed: that there would be a consequential benefit to the beef industry from the establishment of the Ord project and what would be produced there. In other words, diversification has always been a keynote and an objective. I want to make the point, however, that we offer no apology for the fact that there has been a considerable amount of emphasis on the production of cotton at this stage. This makes good sense because here was a cash crop that could be grown with success, and grown profitably. It came within the Government's existing subsidy for cotton, and I felt then, and I feel now, that this was a sensible way to approach the question.

Here was a crop which would produce a profit for men who were pioneer farmers while they were establishing their properties, setting the pattern, and learning the techniques to pass on to others who would come along and get the benefit of their establishment work.

Another point was that the cotton produced offset imports from overseas, and, in this regard, the farmers were making a national contribution and at the same time the cotton was providing for the economic establishment of the project. So the research workers, the extension workers, the scientists, and others, have naturally concentrated a large proportion of their skill on this particular crop, and it was good sense to do so.

The people there have never been idle in regard to the diversification of crops. We realise the benefits that can accrue from this project through using the Ord scheme, and all it stands for, for upgrading the cattle industry. In this regard the project must be without equal inasmuch as in such a short time the farmers have been able to average this season over 800 lb. of lint. In world circles this is regarded as being an outstanding achievement; and, what is even more important, some of the farmers have broken through the rather magical barrier in the production of cotton by producing 1,000 lb. of lint per acre. I refer to lint as distinct from seed cotton, because lint is really the measuring factor in these questions.

It should also be pointed out that the Commonwealth subsidy on cotton is $4,000,000 per annum maximum, and we welcome this maximum. In the initial stages, when cotton production was fairly small, it meant that the return per pound from the subsidy to the pioneering farmers was fairly high; but, as production goes up, and the farmers improve their techniques and reduce their costs per acre and their costs per pound of lint, they can afford to be without so much subsidy. So this is almost what one might call a self-eliminating subsidy—as the volume of cotton production goes up in Australia so the subsidy per pound to the farmer automatically goes down. That is something we welcome because we feel sure the farmers are capable of handling the position.

The history of the pastoral industry is very well known to most members of the Chamber and I do not intend to dwell on it. However, I do want to mention that we regard the East Kimberley district as being favoured by having the Ord project in its midst. This project provides a form of insurance because there is a huge secure source of water which the pastoral industry and the Government can use for the improvment of properties and herds.

Agriculture is something that one just cannot press on with in the same way, as is possible with an engineering project. Nature has its own peculiar way of dictating to man just how fast he can go, and it is largely a question of getting experience and learning the techniques as quickly as possible, and, over a period of time, results are achieved. We see this with wheat, cattle-raising, sheep-raising, and with any other form of agriculture. Therefore, the sooner we commence to get this experience and knowledge of the district—of the terrain, and of the climate itself—the better it will be for all concerned.

There is another factor on which I wish to touch briefly, and that is the need for a degree of security for the families who live and work in these areas. They have been models of faith, confidence, and enthusiasm, and it is to their credit that even at this stage they seem to have lost none of their confidence in the future.

I think we owe it to them to clear the situation as quickly as possible so that

they can remove what must be, somewhere deep down, a degree of uneasiness. This affects so many people; even the question of church programming in those districts is affected, as is the provision of schools, hospitals, and amenities generally. No one can come forward and commit funds outside normal expenditure for these things, until it is possible, clearly, to see the end.

Mr. May: We have the same feeling in Collie.

Mr. COURT: The honourable member has not done too badly in Collie. There is a power station there. Before I conclude, I want to refer to another aspect which has, I feel, been misrepresented in some parts of Australia, and in some quarters. I refer to the allegation that Australia is so heavily committed with projects at the present time that there is a case for not proceeding with this particular project.

In a young country where development must be the order of the day, there are always stresses and strains, and we always find the people who use the phrase, "The time is not opportune."

Mr. Jamieson: In the Federal sphere it is the Liberal Government which has that point of view. It even opposed the Snowy River project.

Mr. COURT: I will not deal with that aspect at the moment. I would like to ask, however, "Just when will the time be opportune to press on with these projects?" In my experience, we must be prepared to take a calculated risk. In this case there is no risk, because the number of men and the quantity of materials involved is extremely small.

Most members know that the first year's requirement for this project is something like $800,000. This is necessary for road access, for preparation of camping sites, and the like, so that the contractor can come in the following year and proceed without interruption with the very carefully-timed programme of main dam construction. But, with the years that succeed, the amounts do increase, and the maximum eventually gets up to $7,000,000 expenditure over a period of 15 years. Another factor, however, is that if the Commonwealth and State Governments of the day feel that they wish to delay this project, it could be extended to any period of time. On the other hand, it could also be speeded up.

The important thing is to get the main dam constructed so that the great Ord River is harnessed with all the engineering advantages and the security which it will give. Once the main dam is complete, the timing and the extension of the channels, the allocation of farms, and the building of houses, can be regulated at the pace at which the conditions of the day dictate.

So far as the financial side is concerned —and one does not gloss lightly over the commitments of the Commonwealth from one end of Australia to the other—if we accept the fact that the manpower and material requirements of this project are very small indeed by comparison with the iron ore projects—where we had a work force at one stage of 3,750 in the area, while here we are only talking of about 100 or so in the first year, building up to a maximum of 300 at any one time—we cannot be unmindful of the fact that because of the improvements that have taken place in the general economic growth of the State, and with the increase in revenue from things like royalties and revenue from other sources, such as improved railway performances and the like, the amount of the special grant will be progressively reduced.

The Federal Treasurer placed some emphasis on this in the Federal Parliament a week or two ago in explaining why our amount of special grant was on the way down while that of Tasmania was on the way up.

Therefore, we feel it is not unreasonable to expect that the money we require —the fairly limited sum of money required on a per annum basis for the Ord River project—is, in effect, only a deviation of the money from our special grant which we would normally have received to this project. I do not think that is an unsoundly based proposition.

It should be appreciated that our commitments for northern development, and the commitments of the Commonwealth, have not been very great, because the railways, towns, ports, schools, hospitals, and water supplies for the iron ore projects that are now starting to produce an export income for the nation, and to generate royalities that will reduce the special grant, have all been estabilshed with very little finance from the Commonwealth or State for their capital works. These things have all been constructed by private enterprise, and they are now bringing in a handsome return for the nation in the form of export income and royalties. It is because of this that we feel—with the improved economic situation, which is reducing the pressure on the special grant—it is something that should help us to get the grant from the Commonwealth for this scheme of ours—and when I say "ours," I mean Western Australia's.

To sum up the whole thing, we desire that this House should express its concern at the decision of the Commonwealth to defer further assistance, and we feel that the Commonwealth should frankly supply to the Western Australian Government the full reasons for deferring further a determination.

At the same time we consider it is fair and proper that the Commonwealth should clearly lay down the conditions that it would accept as a basis on which the project could proceed with Commonwealth financial assistance. In other words, we

want the Commonwealth to give us a target to aim at, and if we can beat that target, and demonstrate we can beat it, then we should know with confidence that we will get support at a national level.

Amendment to Motion

I requested the Clerk to circulate an amendment which I wish to move. Members will see from the amendment that it sets out in logical sequence and in precise form a summary of the main points to which I have been referring in my remarks. It expresses our concern at the Commonwealth's deferment. It points out that the project is a key factor in our northern development scheme and one of national significance. It further sets out the reasons for our concern under the following headings:—

(1) Research and proof of economic viability.

(2) The importance of conservation and economic use of water in the north as part of a total national water conservation and use programme and related to the overall national need.

(3) The diversification that has always been part of the concept of the project including the consequential benefit to the cattle industry.

(4) The need to clarify the position for the State, for farmers and their families, and for others associated with the project.

(5) The advances made in the Western Australian economy and finances.

(6) The need to give a clear statement of reasons and criteria necessary for the public financing of the project by the Commonwealth.

In proposing this amendment, I feel the Government is adopting a positive approach; that it is setting out clearly, for all to see, the main reasons why this House and the people of this State are entitled to feel concerned at the decision for further deferment of a positive decision by the Commonwealth Government. I move an amendment—

Delete all words after the word "That".

Debate adjourned, on motion by Mr. Rhatigan.

WEST AUSTRALIAN TRUSTEE EXECUTOR AND AGENCY COMPANY LIMITED ACT AMENDMENT BILL (PRIVATE)

Second Reading

MR. DURACK (Perth) [6.11 p.m.]: I move—

That the Bill be now read a second time.

This amending Bill to the West Australian Trustee Executor and Agency Company Limited Act seeks to make a small but rather important change in the parent Act. It does so by repealing the existing section 21 and by substituting an alternative provision in section 28 of the Act.

The West Australian Trustee Executor and Agency Company Limited Act was originally passed in 1893 to facilitate the company's business in obtaining grants of probate and letters of administration of deceased estates. At that time the principle of a limited liability company being appointed an executor or trustee was a novel one so far as the law was concerned, and this particular Act was passed to overcome the legal difficulties associated with that operation.

Furthermore, there was concern about the nature of the security which beneficiaries in such a case would have against the company acting as executor or trustee. The effect of section 21 of the Act, which has been amended in some minor respects from time to time, is to provide for security in the shape of an uncalled liability on the shares of the company. It provides that the shares of the company—which are of a nominal value of £1 at the present moment—shall not be called up to a greater extent than 8s. or, as is the case now, 80c.

As members will realise, the balance of the liability of the shareholders would continue to be available on the winding up of the company, and there would be a fund to which the beneficiaries and others could have resort for any liability of the company.

In effect section 21 also provides that no person may have more than one share for every 20 shares that were issued by the company, although it does not say that in such simple language. The company has become dissatisfied with the provision of its security in the nature of an uncalled liability.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. DURACK: Before the tea suspension I was explaining that the parent Act in section 21 provides that the issued shares could not be called up to a greater extent than 80c for every $2 share. I think I should also mention that there is a further security provided under section 8 of the Act which requires the company to deposit with the Treasurer the sum of £5,000, or now $10,000. Under section 28 of the Act, that sum is available also as a security for the due performance by the company of its obligations as executor and trustee.

As I have said, the company has been dissatisfied with the position of the uncalled liability on its shares, and the reasons are set out in the evidence given by Mr. Stow to the Select Committee and

appear in the second column of page 5 of the report of the Select Committee. The reasons are threefold.

Firstly, persons do not like to hold shares with an uncalled liability, and this applies particularly to people who are themselves holding shares as an executor or a trustee; and it is unwise for them to hold shares with this liability attached. Another reason is that the Stock Exchange—and this is a public company and shares are listed on the Stock Exchange—does not like to have shares listed with an uncalled liability. Thirdly, the company wishes now with the introduction of decimal currency to convert its shares to amounts of $1 each, and these are to be fully paid, of course.

So the object of this amending Bill is to alter the form of one of the securities I have mentioned; namely, the uncalled liability on shares, and to repeal the section which provides for that form of security and to replace it with the security of the company's freehold property in St. George's Terrace.

That is done by repealing section 28 and re-enacting it to provide that the company shall not be entitled to sell, mortgage, or otherwise dispose of its freehold property in St. George's Terrace, which is completely unencumbered, without the consent of the Treasurer. That property will then be available as a security for the due performance by the company of its obligations as an executor or trustee.

The new section also provides that this property will become available to any beneficiaries who have a claim against the company in priority to other creditors of the company when it is being wound up.

The justification for this alteration in the form of the security is that the present uncalled liability on shares, to which I have referred, would have a nominal vaule of $154,780, whereas the value of the freehold property in St. George's Terrace—the 1963 valuation—is $370,000. Therefore it can be seen that there is, in fact, a much higher and more valuable security provided under the proposal in this Bill.

Furthermore, of course, the uncalled liability, which is only a money value, will remain the same, whereas in all probability, with the steady fall in the value of money over the years the freehold property should appreciate in value as time goes on. In addition, one can only recover this uncalled liability from shareholders by action against the shareholders themselves, and it may of course in some cases prove a little difficult to recover.

So it appears that the change in this form of security is to the advantage of the beneficiaries of the company. As far as other creditors of the company are concerned, the Select Committee has inspected the latest balance sheet and found that in addition to the freehold property it has investments which have a total value of $69,859, and that should be ample for any other creditor of the company. The company is not a trading company and therefore it does not in the ordinary course of events have a great number of trade creditors.

The Select Committee has also obtained evidence from the Registrar of Titles that this freehold property is, in fact, registered in the name of the company and is completely unencumbered. So the security as offered by this amending Bill will be clearly available in the circumstances foreshadowed by it. For these reasons I commend the Bill to the House.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

PERPETUAL EXECUTORS TRUSTEES AND AGENCY COMPANY (W.A.) LIMITED ACT AMENDMENT BILL (PRIVATE)

Second Reading

MR. DURACK (Perth) [7.42 p.m.]: I move—

> That the Bill be now read a second time.

This Bill is more or less in identical terms with the previous one and has exactly the same purpose. I therefore do not propose to go over the same ground.

However, there are one or two minor differences. Firstly, section 21 of the parent Act provides that shareholders may hold only one share for every 30 shares, whereas in the case of the previous company it is one share for every 20 shares. In the case of the Perpetual Executors Trustees and Agency Company the nominal value of the uncalled liability is $294,000, and the 1966 valuation of its freehold property in St. George's Terrace is $390,900. So here again, even on present day values, there is a clear advantage for the beneficiaries by the change of security from uncalled liability to that of the freehold property.

Apart from those items, there are no other differences between the situation in the case of the Perpetual trustee company and the case of the W.A. trustee company. In this case the Select Committee has inspected the balance sheet of the Perpetual trustee company and has found it has other investments which would provide it with assets capable of meeting its ordinary trade creditors and therefore it would not normally have to resort to the security of its freehold property or loans on that property.

There is one matter which, perhaps, I should have mentioned when introducing the previous Bill, and it applies equally to this one. The company wishes to convert its shares from £1 or $2 shares to $1 shares fully paid up. This particular operation

requires no assistance by amendment to the Acts to which these amending Bills refer. The operation of converting the shares in this way is carried out under the Companies Act and it is not a requirement that any amendments for that purpose should be made in these two Bills.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

OPTICAL DISPENSERS BILL

Second Reading

Debate resumed from the 20th October.

MR. NORTON (Gascoyne) [7.46 p.m.]: This particular Bill is a sequel to the amendments which were made to the Optometrists Act last year, which sought to overcome a difference between two parties. This Bill sets out to give the dispensers some standing in the community.

When introducing amendments to the Optometrists Act last year, the Minister forecast that probably he would bring in a Bill that would establish a medical ancillary board to cover a number of branches of the optical trade. Amongst these, the Minister mentioned optical dispensers, spectacles makers, corneal lens makers, haptic lens makers, and nurses engaged in testing the eyes of school children. Apparently the Minister has not seen fit to establish such a board, but has just brought in a Bill for the registration of spectacles makers, or optical dispensers.

These people are well trained. They have to go through a very substantial apprenticeship, which I understand takes approximately five years and embraces both practical and theoretical work. Any person who undergoes such an apprenticeship is entitled to have a standing in the community and to be recognised.

In every sphere people are recognised after they have completed their apprenticeship and this applies, of course, to dental mechanics, dental nurses, male nurses, and so on. It is only right that we should recognise people connected with the optical trade who have served their apprenticeship, who are now craftsmen, and who are doing a good job.

The passing of this Bill should also give those people who have served their apprenticeship some encouragement to go on to take further examinations by which they could qualify as optometrists or opticians, according to the extent they are prepared to study. It should also give them the chance to branch out into their own business if they wanted to.

I think it is a shame the Minister has not gone a little further and included in the Bill some of the other trades which I have mentioned are involved in the optical system. In particular I think it is a shame that the contact lens maker, or the haptic lens maker, has been excluded. Admittedly there is not very much call for this particular skill at the present time and, indeed, we do not want the situation to change so that there would be a call on these people. However, we do want men who are skilled in this trade available when it is necessary to call on them. I think the Minister will agree with me in that respect.

This subject was debated very fully in this Chamber last year and there is not much more I can say on it, except that I support the Bill as introduced by the Minister and trust that it will pass through all its stages.

MR. JAMIESON (Beeloo) [7.49 p.m.]: I would like to say a few words on this proposal. I support the Bill, because I think the proposition is a good one. All members will recall that, at one stage, some differences existed between the various optical experts and they necessitated an amendment last year to the Optometrists Act. Last year's amendment had the effect of holding this Act together until some suitable legislation was arrived at and agreed upon.

I understand this amending Bill has the approbation of the various people concerned with it. In particular, I am advised that the union which is associated with the handling of these dispensers is quite happy with the proposal, and thinks it is a fair compromise. Also, the people associated with O.P.S.M. and similar manufacturing organisations, which do nothing but attend to the prescriptions written by specialists, are happy with the proposal. The legislation which is before the House, if adopted, would appear to solve a lot of problems.

I feel that the proposition as outlined in the proposed legislation should be adopted in its entirety. I have noticed there is a proposal at a later stage for certain amendments to be put forward. However, at this stage I do not consider that any amendments should be put forward, because this legislation must be tried. The proposal, if put forward, would limit only those in one sphere of operation, whereas others could have many spheres of operation. As a consequence, I hope the House will agree to the legislation being approved as it stands. If at some future time, it is found that there are any problems associated with it, an amendment could be made, or at least, some sections could be amended. However, for the time being, at least, all the dispensers and those associated with optical prescriptions will know exactly where they stand with respect to those people who are trained, but who are not professionally qualified.

MR. W. A. MANNING (Narrogin) [7.51 p.m.]: Under the provisions of this Bill, those men who are now qualified as skilled craftsmen in the mechanics of

optometry, will have the opportunity of advancing their status, and also their independence by establishing themselves as optical dispensers. It will mean they will be able to establish a semi-professional business of their own. These days, I feel this is the aim of many men, and those who have qualified deserve the opportunity to do so.

In addition, I believe this type of service to the public should be on a very personal basis. The very essence of these things is the personal service to the person concerned. This type of service is very important, because it protects the public who deserve to be protected, as damage to the eyes can be something of an irreparable nature and a very serious matter to the individual.

Mr. Ross Hutchinson: Excuse me; could I ask of whom you are talking? Are you talking about the optical dispensers now?

Mr. W. A. MANNING: Yes, I am talking about the optical dispensers. I understand that, particularly in the Eastern States, there is a tendency for this kind of service to be provided by stores which operate more on a chain store basis. To my mind, that takes away the personal responsibility and the personal attention which an individual deserves when he seeks this kind of service.

There is also another point in this Bill; and that is, if anyone has ambitions, the fact of becoming an optical dispenser could be one step towards qualifying as an optometrist, if he desired to go on further. To illustrate my point, I refer to the Pharmacy Act. I mentioned that there was a tendency for more or less chain store operators to take over this class of business to the detriment of the qualified person and the public. This also happened with regard to pharmacies, and a section was inserted in the Pharmacy Act to protect chemists from those who were operating on a chain store basis, and not giving the personal attention which is needed. The section in the Pharmacy Act reads as follows:—

> A pharmaceutical chemist shall not practise or carry on business as a pharmaceutical chemist or druggist, or either as agent, employee or otherwise, be engaged with any other person in such practice or business in more than two pharmacies concurrently.

Members will see that protection was included in order to safeguard the public from the more or less haphazard handling of the requirements of the pharmaceutical trade. I consider a similar requirement, if it were inserted in this Bill, would be beneficial not only to the optical dispensers but also to the public. Therefore, I have placed on the notice paper an amendment in my name which I intend to move in the Committee stage. Apart from that point, I support the second reading.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [7.55 p.m.]: I would like to thank the three members who have spoken to the Bill and who have supported it. One of them, the member for Narrogin, supported it subject to an amendment. The member for Gascoyne made mention of the fact that the Bill should have included the licensing of haptic lens makers, but there is a provision in the Bill which deals with this.

As I advised at an earlier stage of the debate, this legislation arises firstly because of a promise which was made during the debate on the Bill dealing with the Optometrists Act last year. Following on from that, consultations were held between the Minister for Health, the opthalmologists, the optometrists, and the optical dispensers. After a great deal of discussion and argument, this solution was arrived at; that is, optical dispensers should have a place on the Statute book by virtue of the legislation which is currently before us. I do not think I need dwell on the amendment which will be moved by the member for Narrogin, because it will be dealt with in the Committee stage. However, I think I should advise that the Government is not completely happy about the amendment and feels it is not warranted at this juncture.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. Crommelin) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clauses 1 to 12 put and passed.

New clause 10—

Mr. W. A. MANNING: I move—

> Page 5—Insert after clause 9 the following new clause to stand as clause 10:—
>
> 10. No person or body corporate shall—
>
> Limitation on number of businesses.
>
> (a) carry on the practice or business of optical dispensing; or
>
> (b) whether as principal, agent, employee or otherwise, be engaged with any other person or body corporate in the practice or business of optical dispensing,
>
> in more than two shops or other premises at any one time.

I have already outlined my reasons for moving for the insertion of this new clause. I repeat that it will be a safeguard for those who have qualified as optical dispensers. They are men who have shown some ability in what might be called a semi-professional occupation. It is the desire of many young men to conduct their

own businesses; and to deny any man such a right in the optical dispensing field would be quite wrong.

These optical dispensers deserve to be protected because they are highly qualified and because, by rendering their services to the public, people get the best of attention. Under this Bill they will have to be trained for five years. The need for these men to be fully qualified is emphasised by clause 6 where the necessary qualifications to dispense prescriptions for the fitting of haptic lenses are specifically set out.

It is most important that the person who has been prescribed haptic lenses should obtain the services of a man who is highly qualified in this field. Therefore, young men engaged in optical dispensing should be granted every protection so that they can carry out their work for the benefit of the public.

Dr. HENN: The new clause proposed by the member for Narrogin means, in effect, that optical dispensers should not be allowed to operate in more than two shops at any one time. I oppose this provision, because it seems to me we would be preventing private enterprise from expanding operations in this field. A little competition is advisable in all business fields. I have had experience of having spectacles dispensed and I was not entirely satisfied with the people to whom I was sent.

If this new clause is agreed to, the position in country areas will be made more difficult, because people residing in country towns are badly in need of the services of these men. I do not mind whether an optometrist or an optical dispenser makes my spectacles, because they are made according to a prescription. It is well known that the opthalmologists, who are medical men, should be able to make spectacles, but they do not make them.

I would like to see optical dispensers opening up in business wherever they liked. I am not in favour of monopolies. I would not like to see a big concern opening up a chain of establishments throughout the State, but in opposing the amendment I believe there are some people who may wish to open up a shop in the country although they may have two shops in the city. If this provision is agreed to, it will restrict the intentions of those people. In the next 10 years our population will expand greatly and we will be in need of more spectacles makers operating as many shops as possible for the benefit of the public. Being a supporter of private enterprise, I must oppose the amendment.

Mr. W. A. MANNING: The new clause does not seek to prevent people operating in country areas, because this is not practical for an optical dispenser. He simply works according to the prescription that has been made out by a doctor. He is not likely to wander around the countryside, because he must be somewhere where he can obtain a prescription from an occulist.

The member for Wembley mentioned large-scale operations by, say, a chain store. In the ordinary course of business I have nothing against such stores, but in regard to a person's eyesight I am of the opinion that such concerns should not be permitted to operate in the optical dispensing field. We should ensure that a personal service is available to members of the public to receive the best possible treatment by highly-qualified men.

Mr. NORTON: I oppose the amendment. Last night the optical dispensers held a meeting at which they expressed their satisfaction with the Bill as printed, and they are not in favour of the amendment. The Bill should pass as it is and be enacted for a trial period; and if, later, it is found that an amendment to the Act is necessary, it can be moved at some later stage. During his speech on the second reading, the member for Narrogin said the amendment was designed to prevent the haphazard handling of prescriptions by men who were unqualified, or words to that effect. That is a reflection on the people who dispense spectacles, because their clients are, in the main, people who have been sent to them by specialists, who generally request their patients to return to them so that their spectacles can be checked.

Optical dispensers are not permitted to test one's eyes, and therefore they are unable to make spectacles unless they have been prescribed by a doctor. After moving the amendment the member for Narrogin said it would act as a safeguard for the optical dispensers, but I cannot follow his line of argument.

Mr. ROSS HUTCHINSON: During the debate on the second reading of the Bill I indicated that the Government could not approve of this amendment at this juncture, but considered the Bill, as printed, should be placed on the Statute book to ascertain if it would operate successfully. I am aware of one of the fears expressed by the member for Narrogin in regard to monopolistic practices, but it would not be appropriate to place a trade restriction provision in this legislation. The amendment also has the weakness that it deals only with optical dispensers, and to restrict such people or a body corporate to operate with only two shops would be wrong when optometrists are not similarly affected. It could be considered by some that if the provision is to apply to one group it should apply to the other.

There are points of comparison between the legislation governing pharmacists and this measure, but I do not think they run parallel all along the line. By and large, it is considered this Bill should be placed on the Statute book in its existing form, because a great deal of work has been

done by members of the profession to try to effect a solution which it is hoped this Bill will provide.

New clause put and negatived.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Works), and passed.

OPTOMETRISTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th October.

MR. NORTON (Gascoyne) [8.15 p.m.]: This very small Bill is a sequel to the one which has just been passed. As I said during the second reading on the previous Bill, last year amendments were made to the Optometrists Act to smooth out an argument which had been carried on for some time. Now that the previous Bill has been passed, there is no need for those amendments to remain in the Optometrists Act. Incidentally, they have not been proclaimed, and it is only a matter of taking them out of the Act.

The Bill also seeks to add a definition of "optical dispensing". This is to make the definition clear and concise in conformity with the definition in the Optical Dispensers Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Works), and passed.

STATE TRANSPORT CO-ORDINATION BILL

Second Reading

MR. O'CONNOR (Mt. Lawley—Minister for Transport) [8.21 p.m.]: I move—

That the Bill be now read a second time.

Members will recall that in May, 1965, the Government seconded Mr. C. G. C. Wayne from his duties as Commissioner of Railways to undertake a study into transport resources throughout this State.

Briefly the terms of reference given to Mr. Wayne were—

(1) To review the overall transport facilities and organisations in Western Australia.

(2) To report to the Government on the general position in all branches of transport.

(3) To recommend such administrative and statutory changes considered desirable, including ways and means of achieving economic and co-ordinated operations, consistent with adequate services for the communities and industries to be served.

Mr. Wayne submitted his report in June of this year and included therein quite a number of recommendations in regard to transport matters and the provision of transport generally within the State. It would be fair to say that in the course of his study Mr. Wayne found the transport industry in Western Australia—and here I refer to each of the various sectors, road, rail, sea and air—in what might best be expressed as a fairly healthy condition, and certainly capable of providing a nucleus on which to build a balanced and efficient transport system and one capable of meeting the requirements of a growing State.

Mr. Wayne has, however, drawn attention to the fact that there is today little evidence of any large measure of co-ordination in the provision of transport and in the decisions concerning public investment in the various forms of transport. To help rectify this situation he has recommended the creation of an organisation which will be responsible to the Minister for Transport for studying transport services in the State, for studying the current disposition and future needs of public investment in transport, facilities, and for advising on all matters relating to transport policy generally.

This and the associated Bills seek to establish such an organisation, the creation of which will represent a major step forward in the endeavours to achieve for this State an economic, well balanced, and efficient transport system.

Transport, whether by road, rail, sea, or air, is a vital factor in the State's economy. Although no firm statistics are available, it is a field of activity which is said to occupy no less than one in six of this country's work force, and to absorb, directly or indirectly, more than one-third of the national income.

Because of the size of the transport undertaking in terms of expenditure and manpower employed, and its importance in both trade and industry, it is essential for the well-being of the State to have an efficient transport system—one which is capable of providing the transport services required by the community, with the least possible consumption of capital, labour and equipment. At the same time it must be recognised that in a State of such vast distances and uneven distribution of population as Western Australia, transport is necessarily costly to maintain as well as difficult to administer.

Almost every country in the world today has a transport problem of some sort, and

the methods adopted to achieve efficiency in transport vary quite considerably as between countries, depending upon the particular circumstances. One thing emerges, however; and that is, a system of transport can only be efficient when it is looked upon as a whole and not sector by sector—road, rail, sea, and air—in virtual isolation, which is very much the situation we have in this State at the present time.

A national resources planning board in a report made some years ago to the President of the United States of America described the transport problem as—

> That of bringing about such an organisation of the transport industries and such a system of public regulation or control as will lead to the attainment of these objectives; namely, an adequate transportation system operating at a high degree of efficiency and at low cost; with each mode of transport operating in its field of greatest economy and usefulness and functioning with a minimum of waste and duplication . . .

The problem we face in this State then is that of planning and co-ordinating the various transport sectors or forms into a unified and balanced system, and one which ensures that needless transport costs are not incurred.

The Government recognises that it has a responsibility for co-ordinating transport. It recognises also that each sector or form of transport has a place in the transport system, and the objective must be to see that each plays its co-ordinated part in the general pattern.

It is with these points in mind that the Government now seeks to introduce legislation in accordance with the report put forward by Mr. Wayne, and this will help to develop and maintain a rational transport policy capable of attaining an efficient transport network which is so essential to the needs of a State where the population is increasing and industries are expanding.

The proposals before the House call for the creation of a new transport organisation which will be superimposed on the governmental agencies currently administering the several Acts relating to transport in Western Australia. Briefly the Statutes which regulate the provision and operation of transport in the State are as follows:—

State Transport Co-ordination Act, 1933.

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

Government Railways Act, 1904.

Metropolitan (Perth) Passenger Transport Trust Act, 1957.

Western Australian Coastal Shipping Act, 1965.

Eastern Goldfields Transport Board Act, 1948.

The first two mentioned Acts are, for all practical purposes, under the control of the one administration; namely, the Commissioner of Transport. In the case of the four remaining Acts each has its own controlling body. All of the Acts, with the exception of the Government Railways Act, which for the time being at least is administered by the Minister for Railways, are the responsibility of the Minister for Transport.

The new transport organisation will comprise a director-general of transport who will be its permanent head, and he will be assisted by a consultative body of transport administrators and a body representing transport users. The composition and the powers and duties of these bodies will be referred to in greater detail later, but their principal function will be that of co-operation and achievement of efficiency in transport.

The proposals therefore require a co-ordinating Act, somewhat in the nature of the existing State Transport Co-ordination Act, but one which is more widely based, and one which makes greater provision for the overall formulation of transport policy.

To fit the new proposals into the framework of the existing Act would not be practicable, nor, for that matter, entirely satisfactory. Legislation governing transport should be as modern and as effective as the up-to-date equipment which transport now uses. With this in mind, it is desirable to repeal the State Transport Co-ordination Act, 1933, and replace it with two new Acts—one entitled the State Transport Co-ordination Act, 1966, to constitute the director-general of transport and the two new consultative bodies; and the other entitled the Road and Air Transport Commission Act, 1966, to reconstitute the Commissioner of Transport and his offices.

Consequential amendments of a minor nature will also be required to the Metropolitan (Perth) Passenger Transport Trust Act and the Eastern Goldfields Transport Board Act, so the Bills to be considered by the House in connection with the establishment of this new transport organisation are—

(1) State Transport Co-ordination Bill, 1966.

(2) Road and Air Transport Commission Bill, 1966.

(3) Metropolitan (Perth) Passenger Transport Trust Act Amendment Bill, 1966.

(4) Eastern Goldfields Transport Board Act Amendment Bill (No. 2), 1966.

Dealing firstly with the State Transport Co-ordination Bill, 1966, this is to make better provision for the direction and co-ordination of transport, and it will establish the several offices in the form of the

director-general of transport; the consultative body of transport administrators assisting him, to be called the transport advisory council; and the body representing the users of transport, to be known as the transport users' board.

The director-general of transport will be responsible, subject to the general control of the Minister for Transport, for the administration of the new Act. The Bill provides for the director-general being appointed for a term not exceeding seven years and he will be eligible for reappointment at the expiration of that period. This tenure of office is consistent with several other senior Government appointments, and, amongst other things, should ensure the procurement of the right type of person for the position.

The director-general will be paid a salary to be fixed by the Governor and he will be removable from office in the usual circumstances. In the case of his being ill, absent, or suspended, the Governor may appoint an *ex officio* member of the council to act in his stead. Such an arrangement will cause the least dislocation in the functioning of the organisation in the temporary absence of the director-general.

In clause 21 of the Bill, the duties of the director-general are set out in detail. These can be epitomised as follows:—

1. To advise the Minister for Transport on matters appertaining to overall transport policy and in measures for achieving policy objectives, including the co-ordination of transport in all forms.
2. To oversee the implementation of such policies and measures mentioned which have been approved by the Minister.
3. To make provision for and supervise research into transport operation and economics.

This will be a most important aspect of the work of the new organisation.

It is fair to say that far too little research is being done at the present time in so far as transport in this State is concerned; and this is something which must be rectified. Conclusions can only be soundly based when there is factual information to guide those whose function it is to make determinations; and a policy advisory organisation such as that to be set up must have the necessary facts and figures upon which to make its assessments.

As a point of interest, a great many countries, recognising the economic importance of their transport industries, are today undertaking transport research programmes on a far greater scale than ever before. In New Zealand, for example, the National Research Advisory Council wants research into the whole of that country's transport industry treated with urgency and has recommended in a report to the New Zealand Government that expenditure in this field should begin at £10,000 per annum, and rise to some £50,000 per annum in five years. The report also makes a very important point in these words—

> Such a programme cannot be the responsibility of any branch of the industry. Many commodities are handled by all sectors, an even greater number is handled by more than one sector of the industry. Because of the importance of this information it is desirable that it be obtained by a research agency concerned with all transport methods and the integration of their services.

This is very much along the lines of what we are envisaging for transport in this State—a research establishment attached to a central authority concerned with not one, but all sectors of transport, which will undertake in particular economic studies on both operational and investment problems in transport, cost analysis, and the like. To continue with the duties—

4. To collate and co-ordinate capital works programmes and advise on the application and priorities of loan funds.

This in itself will bring about a measure of co-ordination within the transport industry, and it will form one of the organisation's major functions. Planning investment in transport requires forecasts of future needs, and this will link in with the research work. It will help ensure that public moneys available for transport purposes are used to best advantage and in turn on investment. The list of duties continues—

5. To report on and make recommendations as the Treasurer may require in respect of the appropriation of moneys, the application of loan funds and public borrowing under and for the purposes of any of the Acts concerned with the provision and operation of transport.
6. To investigate the existing transport services to determine the adequacy of the service provided the community, or available for any industrial or economic development.
7. To recommend the provision of road transport services or additional services for areas not adequately served by transport, the routes to be followed, calling of tenders, invitation of premiums, and the provision of subsidies for any such road service established.
8. To examine and report on any proposal for the construction of a new railway.

9. To recommend the closure or partial suspension of any transport service, including a railway.

These last mentioned duties are currently the responsibility of the Commissioner of Transport under the State Transport Co-ordination Act, 1933. However, in the new set-up, they are the duties which must logically fall to the director-general of transport, because they are so interwoven with transport policy.

The Bill gives the director-general very wide powers to enable him properly to carry out his duties. He will be able to demand and obtain from any State Government department or Crown agency, such information as he may require touching the operation and conduct of any transport service; and he will have the same protection as a Royal Commissioner in any investigation or inquiry he may decide to make.

The point must be made here that the director-general will not have executive powers other than through the Minister for Transport. There are two main reasons why the Bill has been worded in this manner. Firstly, if he has executive powers over the various Crown transport agencies, he will inevitably be burdened with a great many of the day-to-day matters which are rightfully the responsibility of their own managements; and, this, of course, is to be avoided. The director-general's concern lies with matters appertaining to top-level policy, and the purpose of the new organisation would be very largely defeated if it were to become involved in other than this.

Secondly, to give the director-general executive powers other than through the Minister would result in an overlapping of responsibility levels and this, too, is most undesirable. Indeed, it is one of the reasons for re-enacting the present State Transport Co-ordination Act, so that these various levels are clearly defined. The managements of the various transport agencies will continue to manage and control their respective concerns without interference from the new organisation. This point should be clear.

The Bill provides that the Governor may appoint an assistant to the director-general, and such other officers as may be necessary for the administration of the Act. It is not envisaged that the director-general will have a large staff—on the contrary—but he must have adequate support on the secretarial and particularly the research side. He will, of course, with the consent of the Minister administering any State Government department, be able to make use of the services of any person employed in that department.

The transport advisory council will consist of eight members including the director-general of transport who will be its chairman. The other members will be those holding the offices of—

(i) Commissioner of Railways;
(ii) Commissioner of Main Roads;
(iii) Commissioner of Transport;
(iv) Chairman, W.A. Coastal Shipping Commission;
(v) Chairman, Metropolitan (Perth) Passenger Transport Trust;

together with two persons appointed by the Governor to hold office during his pleasure, one representing the W.A. Road Transport Association, and the other, the person or persons—and here person or persons means "a body corporate"— operating a regular air transport service on scheduled and approved routes.

It will be noted that amongst the *ex officio* members of the council an additional name has been added. This is the Commissioner of Main Roads. Together with other departments indirectly concerned with the activities of transport and with which the new organisation will confer as and when necessary, it is felt the inclusion of main roads on the consultative body will be a distinct advantage. Road building and road condition is closely associated with and forms part of the facilities for transport. As an indication of what is being currently spent on roads in this State, the total outlay in the 1965-66 year was some $42,330,000. I think this ran into something like $50 per head of population for the whole of the State—men, women, and children.

Of the two persons appointed to the council from outside of Government service, one represents the W.A. Road Transport Association, which in turn represents the road transport industry.

Members of the House may like to know to what extent this association does represent the road transport industry as a whole. The association today has a membership something like as follows: On the freight-carrying side, 497 operators represent 1,668 vehicles; and this can be further divided into metropolitan—300 operators, with 1,281 vehicles; and country 197 operators, with 387 vehicles.

On the passenger-carrying side, 362 operators represent 413 vehicles. A combined membership of 859 operators represents 2,081 vehicles. In this membership are all of the recognised carriers and the major road transport companies, with the exception of two—Alex Kelly and Harman, and Richardson Bros. All types of road transport movement—general cartage, shipping, forwarding agents, heavy haulage, etc.—are included. It has been assessed that there are between 400 to 500 carriers who are non-members of the association, but these are mainly sole operator-owner drivers. On these figures it will be seen that the road transport industry is well represented on the proposed council by the W.A. Road Transport Association.

In the case of the air transport industry, one member has been included. In the present circumstances of course, this member will represent the only operative company in Western Australia—that of MacRobertson Miller Airlines Ltd. However, the Bill has been framed to cover the situation where more than one operator may be licensed in the future. In this eventuality, the membership of the council will not be increased, but the operators will have to nominate amongst themselves who shall represent them.

Provision is made in the Bill for deputies in the case of both *ex officio* and private members.

The function of this council, which is to be comprised of men knowledgeable in transport, will be purely of an advisory or consultative nature. The council will meet as and when the chairman or any two members so require, and it is charged with the duty of formulating proposals in respect of, and making recommendations on, any matter referred to it by the Minister or by the director-general. With the depth of transport knowledge the council will have in its members, it will be able to offer advice of a high order and will play a key part in the formulation of rational and progressive transport policy.

The transport users' board will replace the existing Transport Advisory Board constituted under the State Transport Co-ordination Act, 1933. As its title implies, the new board will have the prime task of representing the users of transport. Like the board it replaces, the new board will comprise five members: a chairman and four persons appointed by the Governor on the nomination of the Minister for Transport to hold office for three years. The four persons nominated by the Minister will be persons who in his opinion are capable of assessing the financial and economic effect on the transport users of any proposed or existing transport policy and of whom two are particularly versed in the transport needs of rural industries.

Whereas the present Transport Advisory Board has as its chairman the Commissioner of Transport, the transport users' board will be chaired by the director-general of transport. It will meet on such occasions as the director-general or any two members may require, but except as requested by the chairman, meetings will not be convened more than once in any month.

The new board will be charged with the duty of considering and making recommendations on any matter affecting a transport service operating in the State or touching the lack, or inadequacy, of a transport service. In short it will be concerned with the "quality" of service given the community by the various transport agencies both Government and privately operated. It will be seen then that this board will have an important role to play in the transport pattern, and its creation should fill a much-needed want in the past in so far as the general public is concerned. All in all the Bill represents a concise and functional piece of legislation which should enable the objectives in transport, which have already been outlined, to be achieved.

Road and Air Commission Act, 1966: This Act is really the existing State Transport Co-ordination Act, 1933, less certain sections as already mentioned which have been transferred to and included in the new State Transport Co-ordination Act, 1966. The Road and Air Transport Commission Act reconstitutes the Commissioner of Transport and his offices.

As pointed out to members, the Government endeavoured to have Mr. Wayne investigate the whole of the transport system in the State in the hope that at a very early stage of the State's development we could provide a pattern that could give a great future so far as the transport services of the State are concerned.

We are endeavouring to make sure that one form of transport does not operate uneconomically against another form of transport. This applies particularly to Government transport systems, which should operate together instead of against each other.

In bringing this legislation before the House we have taken the opportunity to make clearer the State Transport Co-ordination Act, which will now become the Road and Air Transport Commission Act. The Bill will make the Act much clearer, and more easily understood by people, whether members of Parliament or others interested in the Act.

This Bill is the implementation of part of Mr. Wayne's report, but I want to make it clear that what I have given to members is not all of the report. One point I made was that the Commissioner of Main Roads is being included on the board. This is desirable and I trust the House will agree to his being included in the authority. We feel this Bill is a start on the implementation of Mr. Wayne's report.

Debate adjourned until Tuesday, the 8th November, on motion by Mr. Hawke (Leader of the Opposition).

STATE TRANSPORT CO-ORDINATION BILL

Message: Appropriations

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

EASTERN GOLDFIELDS TRANSPORT BOARD ACT AMENDMENT BILL (No. 2)

Second Reading

MR. O'CONNOR (Mt. Lawley—Minister for Transport) [8.48 p.m.]: I move—

That the Bill be now read a second time.

When introducing the State Transport Co-ordination Bill a short while ago, I pointed out to members that other Acts would be involved. The Eastern Goldfields Transport Board Act is one which is affected. This is a consequential amendment, and the Bill seeks to amend the principal Act by inserting a passage as follows:—

> "and, subject to the Minister the Board shall have the general administration of this Act."

This brings all the various operative Acts for the provision and operation of transport into line so far as ministerial powers are concerned. We feel it is necessary to get proper co-ordination right throughout the State and have all Acts operating under the control of the one director. This applies particularly where the finances of the State are concerned and it is felt that such finances should be under ministerial control.

The fact that there is an agreement between the Eastern Goldfields Transport Board and the Western Australian Government for the latter, in conjunction with the local authorities, to bear the deficit on the board's operations, again gives reason for a Minister of the Crown to have powers in the Act. For the last year ended the 30th November, 1965, the board's deficit was borne as under—

	£
Government of Western Australia	2,972
Town of Kalgoorlie	991
Town of Boulder	991
Shire of Kalgoorlie	991
Total	£5,945

Section 49 of the principal Act, which makes reference to the Tramways Act, 1895, no longer has application and is repealed. This, as some members might say, is only a small Bill, and I commend it to the House.

Debate adjourned, on motion by Mr. Moir.

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST ACT AMENDMENT BILL

Second Reading

MR. O'CONNOR (Mt. Lawley—Minister for Transport) [8.52 p.m.]: I move—

> That the Bill be now read a second time.

This particular Bill is similar to the one I have just introduced. It is one of the consequential amendments necessary to give effect to the creation of the new organisation; that is, the state transport co-ordination board. The Bill seeks to amend the principal Act by adding after the word "Act" in the last line of clause 5, words as follows:—

> "and has, subject to the Minister, the general administration of the Act."

In short, it gives the Minister overriding power in the administration of the trust's activities should this, at any time, be necessary. It might be mentioned here that one of the basic points of the legislation for the creation of the Metropolitan (Perth) Passenger Transport Trust back in 1957 was that the trust should be as free as possible from political control. The Act achieved this, not so much by what was contained in the wording of it, but rather by what was omitted.

It must be acknowledged that there is very cogent argument for treating a public utility such as the trust more in the nature of a private enterprise and protecting it against extreme political pressures. But the situation is now reached where the objective must be to look upon transport as a whole; that is, all forms or sectors as a unified body and not on the specific interests of anyone.

As has already been mentioned, in order to ensure the smooth functioning of the office of director-general of transport and to avoid any overlapping of responsibility levels, the executive powers of the director-general are specifically through the office of the Minister of the Crown concerned. For this reason it is necessary to amend the trust's Act and so bring the trust's activities into line with the other transport agencies; namely, railways and State shipping. To do otherwise would mean that the director-general could not function in the urban transport area and this is one area in which probably the greatest benefits from co-ordination will arise.

There is also another very valid argument why the Government, through the Minister concerned, should have powers of direction in the activities of the trust, and this relates to the trust's financing. If an organisation or public utility such as the trust is to have complete autonomy, then it must be self-supporting; this point is basic. Where the State has to make funds available for the carrying on of any enterprise, it follows that the State should have a say as to how those funds should be used. If we were to apply the present situation we have with the trust, to private industry, it would be akin to giving shareholders who are called upon to finance the industry no say at all in the affairs of the industry.

The Metropolitan (Perth) Passenger Transport Trust, like the other State transport utilities—railways and State shipping—is a drain on State Treasury resources. In the last financial year, 1965-66, the State Treasury provided $1,325,000 to recoup the losses from the trust's activities. In this current year, 1966-67, it is estimated the Treasury will have to find $522,000 to recoup trust losses.

These are the reasons that the Government is seeking to amend the present Act in this way. A further alteration under

this Bill is the rewording of section 79 of the principal Act to cover the change in title of the State Transport Co-ordination Act to the Road and Air Transport Commission Act.

I think I have covered most of the reasons for the Bill, and explained the details in conection with the State Transport Co-ordination Act.

Debate adjourned until Tuesday, the 8th November, on motion by Mr. Hawke (Leader of the Opposition).

ROAD AND AIR TRANSPORT COMMISSION BILL

Second Reading

MR. O'CONNOR (Mt. Lawley—Minister for Transport) [8.59 p.m.]: I move—

That the Bill be now read a second time.

This Bill is complementary to a Bill which has already been introduced for an Act entitled the State Transport Co-ordination Act. This proposed Act is the measure constituting an overall transport authority under the control of a director-general of transport as recommended in the Wayne report.

Under that Act, some of the more general functions previously carried out by the Commissioner of Transport would be transferred to the director-general. These relate to such things as the investigation and submission of recommendations on proposals to construct new railways or close existing lines, and general investigations and reports on overall transport policy.

These matters are more specifically set out in sections 10 and 11 of the present State Transport Co-ordination Act. In addition to this, the present provisions constituting the Transport Advisory Board will be repealed. It is proposed that a similarly constituted board should be part of the organisation of the proposed new overall authority. In this way the board would be directly responsible to the director-general and would be given scope to concern itself with all forms of transport instead of being restricted to advising on road and air transport only.

I think I might at this stage say that in the past the board known as the Transport Advisory Board has had restricted powers in relation to day-to-day operations. Under this legislation it will, under the control of the director-general, have the opportunity to expand its activities and look more at the overall operations of transport co-ordination instead of operating under the State Transport Co-ordination Act, as is the position at present.

With these provisions being incorporated as part of the responsibility of the overall authority under the new State Transport Co-ordination Act, it becomes necessary to re-enact the remaining functions of the Commissioner of Transport under a new title. The Road and Air Transport Commission Bill now before the House seeks to do this.

The provisions of the Bill are materially the same as those now in existence, but opportunity has been taken in the drafting to express some of them more clearly, especially where the meaning is somewhat obscure. I am sure members, generally, will agree that the State Transport Co-ordination Act in its present form is not easy to understand, and there is a good deal of bad drafting in it. In re-enacting the Act we have endeavoured to clarify its provisions and provide simpler terms to make them more easily understandable. One or two sections which had temporary application only and are now obsolete are omitted from this measure.

I have taken the time to obtain details in connection with each clause to try to obviate some of the difficulties members may have in trying to find out where a section has been taken out and been included somewhere else in the legislation. Therefore, with your indulgence, Mr. Speaker, I will go through the clauses in detail for the convenience of members.

Taking the clauses of the Bill in turn, clauses 1 to 3 are purely formal and need no explanation. Clause 4 contains definitions of terms used in the Bill, and the meanings ascribed are the same as those in the present Act, but the definition of "omnibus" excludes vehicles operated by the Metropolitan Passenger Transport Trust which, under its own legislation, are not subject to licensing. The definition of "board" is unnecessary as the Transport Advisory Board will no longer exist as such. As I have explained, provision is being made for a similar board to be included in the organisation of the proposed overall authority.

The definitions of "tramway" and "interstate vehicle" are omitted as being obsolete, the latter because the sections to which it applied have already been repealed. So, apart from trying to clarify the Act itself, we have also taken the opportunity to repeal a number of obsolete provisions which are of no further importance.

Clause 5 is formal and would continue the obligations and liabilities to which the Commissioner of Transport has been subject under the present Act. Clause 7 provides for the appointment of a commissioner of transport and defines his general responsibilities and authority. This is copied from section 4B of the present Act. Actually there is very little variation or alteration from the position which exists now in this regard.

Clause 8 provides for the appointment of a deputy commissioner of transport, in the same terms as section 4C of the present Act, but omits reference to the appointment of a transport advisory board for reasons I have already given. Clause 9, regarding the appointment of a deputy

commissioner of transport, is the same as the existing section 4D and provides for the present occupants of the positions of commissioner and deputy commissioner to continue in office until the expiry of their current term.

Clause 10 concerns the vacation of either office if the occupant becomes incapable, bankrupt, and so on, and this provision is the same as that existing in section 4E. Clauses 11, 12, and 13 are all of a formal nature and are the same as existing sections 4F, 4G, and 4H. Clause 14 contains the same provisions as existing section 5 as regards the submission of annual reports, except that future reports will be presented to Parliament in November instead of October. This request came from the commission itself because, with the added work connected with the department in trying to keep up with the accounts, difficulty is being experienced in presenting the report by the end of October, as is provided for under the Act, and the request is for the period to be extended to November. I think this is reasonable.

The remaining parts of section 5 are not included in the Bill as they relate to the Transport Advisory Board which will be replaced by a similar board under separate legislation. For the same reasons, sections 6, 7, and 8, which apply to the Transport Advisory Board are no longer required.

Clause 15, which provides for the appointment of staff of the commission is the same as in the present section 9. Clause 16 deals with the powers and duties of the commissioner concerning the calling of tenders, the payment of subsidies, and conditions of licenses. The commissioner already has these powers and duties under section 10 of the present Act, with the exception that the calling of tenders will in future be done only under the direction of the Minister.

Other portions of sections 10 and 11 deal with the carrying out of general investigations and the submission of reports concerning the closure of railways and the construction of new lines. It is intended that in future these functions will be the responsibility of the overall transport authority and, therefore, those provisions have been omitted from the Bill now before the House. I have already explained, when introducing the previous Bill, that this was to be done by the director-general and the authority in the future. Similarly, references to the duties of the Transport Advisory Board are excluded as these will be dealt with elsewhere.

Clause 17 seeks to re-enact section 12 of the present Act dealing with conditions for the calling of tenders for road transport. Apart from a simplification of wording in subclause (2), there is no alteration in the drafting. Clause 18, which deals with a delegation of any of the commissioner's functions to the deputy commissioner is a duplication of the present section 10A.

In clause 19, subclause (1) states that the licensing provisions of the Act are to be applicable to vehicles operated by the Crown, or an agency of the Crown, with the exception of the Metropolitan Passenger Transport Trust. Although drafted more simply, this will have the same effect as section 15, subsection (4) of the present Act. Subclause (2) provides a general power for the Minister to declare exemptions additional to those expressed in the Bill itself. This power is at present exercised by the Commissioner of Transport, with ministerial approval, under section 14A.

The provisions of clause 20 are similar in effect to those in section 14 of the existing Act but are better expressed. The clause also provides for continuance in force of any license which is current when the proposed new Act comes into effect. Clause 21 stipulates the maximum fees which may be payable for licenses, and these provisions are precisely the same as those now operating.

Clause 22, dealing with the method of determining the weights of vehicles and loading, follows the present section 19. Clause 23 is the same as section 20, and clause 24 embodies the provisions of existing sections 21 and 22, while clauses 25 and 26 are the same as sections 23 and 24.

In the existing legislation section 25 dealt with the fixing of bus stopping places and the erection of signs and shelters, while section 31 referred to the establishment of bus stands. Clause 27 of the Bill brings these provisions together. In both sections 25 and 31 it is provided that any dispute between the commissioner and the local governing body, relative to signs, shelters, or stands, should be referred to an arbitrator for settlement. In the Bill it is proposed that any such matter in dispute shall be determined by the Minister for Transport and the Minister for Local Government.

Subsection (2) of section 25 was a transition provision when the State Transport Co-ordination Act first took effect in 1934. It related only to those who had been operating commercial goods vehicles and omnibuses for 12 months prior to the 31st December, 1933, and gave them the right of appeal against the refusal of a license. This subsection is now obsolete, and therefore has not been included in the Bill.

Clauses 28 and 29 deal with the conditions applicable to omnibus licenses and are similar to sections 26 and 27 of the existing Act. Clause 30, limiting the tenure of omnibus licenses to a period of seven years, is a replica of section 29. Clause 31 is the same as section 30, providing authority for the granting of per-

mits for omnibuses to operate temporarily on routes not included in their licenses. Clause 32 is the same as the present section 32.

I have taken quite a bit of time, as I said, to detail the clauses and the sections they affect, so that members who want to investigate the position and go through the Bill and the Act will be able to ascertain more easily what the position is.

The next 10 clauses deal with commercial goods vehicles. Clause 33 will replace sections 34 and 35 of the existing Act. The result is the same but, in part, more simplified drafting is proposed, particularly in subclause (4), subparagraph (i), where the present expression is very involved and difficult to interpret.

Clause 34 makes the same provision as section 35A. Clause 35 prescribes particulars to be included in applications for commercial goods vehicle licenses, and clause 36 sets out the factors which the commissioner must consider before granting or refusing a license. These clauses are a replica of the present sections 36 and 37.

Clause 37 is formal and replaces section 38 but omits the portion of the section concerning the right of appeal against refusal of a license based on section 25, which is now obsolete, in relation to persons who had been operating for 12 months prior to the 31st December, 1933. Powers which the commissioner had hitherto exercised of his own volition are, in the Bill, subject to the Minister, to whom any dissatisfied applicants can appeal.

Clause 38 prescribes the implied conditions of every commercial goods vehicle license and is a replica of section 39. Clause 39, which empowers the commissioner to attach conditions to licenses, quotes the existing provisions of section 40, and clause 40 is the same as section 42. Clause 41 empowers the commissioner or his delegate to grant permits for a commercial goods vehicle to deviate from its licensed route. Section 43 covers this point in the present Act. Clause 42 is formal and repeats section 44.

Clauses 43 to 47 inclusive deal with aircraft. All the provisions of the present Act have been included in the Bill and there is no material change from the existing legislation. The provisions are parallel to similar provisions in relation to omnibuses and commercial goods vehicles.

Clause 48 prescribes the same limitations on hours of driving as are contained in section 48 at present. The hours are very similar to those applicable in other States. There has been some discussion in certain States as to alterations, but until some uniform standard is agreed upon it is proposed that the provisions in Western Australia should not be altered.

Clause 49 gives the necessary authority for members of the Police Force and authorises departmental officers to secure information from vehicle drivers for the enforcement of the Act. The requirement that licenses should be carried on the vehicles has been omitted as this is inconvenient and unnecessary in practice. Otherwise the provisions are the same as those already operating.

Clause 50 places the liability on the driver and owner of a vehicle for any offence against the Act. It quotes the present section 52 with the exception that a penalty of $100 instead of $80 is provided for a first offence. This is a maximum penalty only and would be less in value than $80 would be when it was first prescribed.

Clause 51 relates to the submission of evidence in prosecutions and is a duplicate of section 50 of the present Act. Clause 52 is the same as the existing section 16. It places liability on a person who knowingly sends goods, or causes them to be sent, by an unlicensed vehicle, In many instances of illegal transport it has been noted that a person who arranges the transport is more culpable than the owner or driver of the vehicle. At times the party arranging the transport has misled the vehicle owner or driver by falsely informing him that a permit has been granted.

Section 16 does not prescribe any particular penalty in this case. In the Bill a penalty is provided similar to that set out in clause 50. In other words this provides the same penalty as would apply to a driver of a particular vehicle penalised under this particular provision.

Clause 53 makes it an offence on the part of an owner or driver who fails to comply with the conditions of a license. This corresponds with section 17 which provides for a maximum penalty of $100. Clause 53 does not prescribe a specific penalty, but the general penalty clause, clause 56, would apply making the penalty $50 in the first instance with a further penalty of $10 per day in the case of a continuing offence.

Clause 54 is equivalent to existing section 18 and, in brief, prohibits the carriage of paying passengers on a commercial goods vehicle unless authorised by license. Clause 55 relates to evidence concerning the carriage of passengers at separate fares. It repeats section 53 of the present Act.

Clause 56 is the general penalty clause. It corresponds with section 54, except that the maximum penalty is fixed at $50 instead of $40 as in the previous clause. Clause 57 empowers the commissioner of transport to revoke or suspend a license for breach of conditions under certain circumstances. As in the existing section 55 provision is made for an appeal to a stipendiary magistrate. Subclauses (4) and (5) specify the procedure on appeal.

Clause 58 authorises the Commissioner of Transport to take proceedings for the recovery of penalties. It follows section 56 with the exception that it omits reference to the Transport Advisory Board which would no longer exist as far as the Bill is concerned.

Clause 59 is a saving clause, preserving the provisions of the Traffic Act unless specifically stated otherwise. It is a copy of section 57. Clause 60 authorises the making of regulations. It embraces in the one clause the provisions now set out in sections 58 and 58A.

Clause 61 absolves the Minister, commissioner, authorised officers and police officers from personal liability when acting in good faith in the enforcement of the Act. In the redrafting of section 59, reference to the Transport Advisory Board is omitted; again for reasons I have already explained.

Clause 62 re-establishes the transport co-ordination fund under a new title "Transport Commission Fund." It provides for payments into and from the fund and, except for minor changes in wording, re-enacts the present section 60.

Clause 63 is new. The previous clause allows for payment of transport subsidies for the operation of licensed vehicles. In the case of cartage of grain and fertiliser in areas where railways have been promised or existing lines closed, many vehicles are not licensed because they operate under exemptions. These subsidies are paid from moneys appropriated by Parliament and the new clause 63 specifically authorises the Minister to make those payments.

The first schedule derives its force from clause 33 replacing section 34 of the present Act. It lists the purposes for which vehicles may operate under exemption from licensing.

The only departures from the existing legislation relate to—

> Exemption 9, where the words "by commercial travellers" have been inserted. This exemption is designed to allow commercial travellers to carry their samples without a license. From time to time contention has arisen as to whether this authorises firms such as machinery agents to carry complete tractors and other machines under the claim that they are samples.
>
> Exemption 14 is the same as at present except that it transfers the power to declare additional exemptions from the commissioner to the Minister.

The second schedule prescribes the method of calculating the power load weight of vehicles for the purpose of calculating license fees. It also sets out the maximum license fees payable for trailers and semi-trailers. This is precisely the same as the existing provisions with the exception that opportunity has been taken to correct an obvious clerical or printing error in the fee shown for a trailer or semi-trailer of a gross weight not exceeding seven tons. According to the progressive scale set out the fee is given as £75 10s. or $151. Obviously this was intended to be £85 10s. or $171.

As I have pointed out the Bill is virtually the same as the present Transport Co-ordination Act; there are very few changes. The main changes consist of the handing over of some of the powers to the director-general. Apart from that there has been a clarifying of a number of the provisions in the old Act which were not clear, and were difficult to understand. The Crown Law Department has endeavoured to clarify these as far as possible.

Debate adjourned until Tuesday, the 8th November, on motion by Mr. Hawke (Leader of the Opposition).

AERIAL SPRAYING CONTROL BILL

Second Reading

Debate resumed from the 11th October.

MR. SEWELL (Geraldton) [9.22 p.m.]: In the last session of this Parliament I had a motion before the House which sought tighter control over herbicides, weedicides, and such chemical substances as had for their purpose the spraying and destruction of weeds in the State.

On the occasion of that debate the Minister assured us that the question would be taken up by the Department of Agriculture, and that a closer watch would be kept on the use of these sprays. Tonight we have before us a Bill entitled Aerial Spraying Control Act, 1966. Even though I might agree to most of the measure before us, I feel it does not go far enough.

As the name implies, the Bill deals with aerial spraying. Those of us who know anything about the damage caused by indiscriminate spraying, and by the use of these weedicides, know that this Bill will not fulfil the purpose of those producers who want a very close control kept over herbicides and weedicides.

It is possible that the Minister may bring down some complementary legislation which will cover just what is required by the producers. As I think most producers would know, there are several types of sprays. Some of them are very volatile, and it is thus necessary to keep a very close control over them, not only from the point of view of aerial spraying, but also from that of ground-operated plants.

There is a system of spraying which by some is called fogging, while others refer to it as misting. There is the knapsack spray which is carried round the garden. Various weedicides are sprayed from the knapsack spray. To my knowledge the one that has caused most damage in the Geraldton-Moonyoonooka district has been the boom spray which is attached to a utility, or a jeep, and is operated by a

pump on the machine. The spraying is generally done along the side of roads and in paddocks which might require spraying. The department itself sprays the verges of the roads, and this can cause a lot of trouble, if the spraying is done indiscriminately.

We feel there should be some control other than that which is proposed for aerial spraying, and we are anxiously awaiting some statement from the Minister indicating whether the other machines I have mentioned will be controlled at all by legislation which is to be brought down this session.

In clause 3, lines 8 and 9 of the Bill, we have the words, "or fertiliser" in conjunction with herbicides and agricultural chemicals. I cannot see why the word "fertiliser" should be in the Bill at all. It would seem to me that this is placing unnecessary work and control on the aerial operators who, we know, spray hundreds of tons of superphosphate for the benefit of pastures. We know the very good job they are doing.

The Minister has some amendments on the notice paper. One of the clauses which I do not like in the Bill is in connection with insurance, though I think the amendment on the notice paper will cover that aspect. I would also like to mention clause 14, which refers to a person notifying the director "at least fourteen days before the crops are harvested or picked or before he destroys or causes to be destroyed the trees, pastures or other growth or animal life that he alleges have been so affected."

It would seem to me that seven days would be plenty of time for this purpose. The same thing would apply to the question of insurance. I would be pleased if the Minister could tell us why operators who are operating aeroplanes should have to insure for spraying superphosphate. I think the Bill is a step in the right direction, but I do feel it does not go far enough. If two or three amendments were agreed to, I would more readily support the measure.

MR. NALDER (Katanning—Minister for Agriculture) [9.28 p.m.]: I appreciate the interest that has been shown in this Bill by the various speakers. I would like to reply to the points made by the member for Beeloo, the member for Gascoyne and the member for Geraldton. Before doing so, however, I should inform the House that as a result of a number of letters that were received by members of Parliament from the W.A. Aerial Agricultural Operators Association the legislation was kept down on the notice paper. The Bill was introduced and read a first time on the 18th August, and no further debate took place for some time, because of an approach made to me by the association. I received a phone call on the 30th August from Mr. Doggett who, I think, is president of the association. I said I would arrange a meeting immediately, and within a few minutes the members of the association were able to come to my office and discuss the whole matter with me.

They made several suggestions and also complained that they had not had prior knowledge of the legislation. This was not entirely correct, although there may have been a misunderstanding with reference to this. My records show that on the 16th May this association was informed of the basis of the legislation.

However, I do not intend to hold this against the association. We have endeavoured to co-operate with this organisation as much as possible and have, almost up to the present time, given every consideration to the requests made by it. No doubt some of the comments made by members on this matter have been as a result of the correspondence from this association.

I might mention here that I have had a deal of correspondence with the association myself. After I received the request to meet the deputation, and I had duly discussed the matter with the deputation, I received a letter from those concerned on the 9th September. Having given some consideration to the requests made and having made an approach to the Crown Law Department for advice as to how amendments might be worded, I replied to them on the 30th September and indicated that we would be prepared to consider their requests and accept some amendments. Those amendments appear on the notice paper.

I then received further correspondence from the association dated the 10th October, to which I replied on the 13th October giving reasons why I considered the points of view expressed were practically all covered in the proposed legislation. The main complaint was that this legislation was not exactly the same as that which had been introduced in Victoria and Tasmania. Those in the association had received information to the effect that legislation to be introduced in Queensland would cover aerial spraying and ground spraying.

I think I explained to the House when I introduced the second reading that the Government was considering the preparation of legislation to cover ground spraying, and I repeat now that although it is not possible to introduce that legislation this year, we hope to do so next session. That legislation will cover the points raised by the association and the members here who have contributed to the debate.

I certainly appreciate the problems which have been outlined by members. I know that the type of machine used today is very powerful. Mr. Sewell mentioned that the fogging, misting, and boom sprays are so designed as to spray the chemical as far as possible in order

that it might be as effective as possible. Of course, this should be the desire of the manufacturers of these machines. They are out to sell as many as they can and therefore they must manufacture an efficient machine in order to be able to induce all those engaged in primary production—whether they be concerned with wheat, other cereal growing, grazing, or vegetable growing—to buy their machines.

However, as I have said, we hope next year to be able to introduce legislation to cover this. I have conveyed this information to the aerial operators and although they are not happy about it, it is the best we can offer at the moment. They feel that they will be inconvenienced and will have to face unfair competition. But this will be overcome with the introduction next year of legislation to cover ground spraying.

I wish now to comment on some of the remarks made by the member for Gascoyne, the member for Beeloo, and the honourable member who has just resumed his seat.

First of all, the member for Beeloo said there should be some control over ground spraying, and I have already dealt with this point. He also referred to the insurance problem. Operators have indicated that they would be able to make satisfactory arrangements regarding securities under policies already covering the general insurance of their aircraft. Therefore it appears that this situation will be adequately covered.

The definition of agricultural chemicals was one of the points made by the member for Geraldton. I would point out, of course, that it is quite possible for a considerable amount of damage to be caused by the careless use—I think that is the best word under the circumstances—of certain types of fertilisers. You, Mr. Speaker, would be aware of this, from your own experience in agriculture.

If nitrogenous fertilisers are sprayed on some pastures, those pastures become very sensitive especially if the weather is damp. As a matter of fact, a considerable amount of damage occurs if such sprays are used on peas, tomatoes, or young growth of any description. Therefore it is considered necessary that fertilisers be included. To define the situation I might say that a fertiliser does not become an agricultural chemical until it is prescribed as such.

Under the Victorian Act a fertiliser can be proclaimed an agricultural chemical to bring it within the scope of the legislation. The result is, of course, exactly the same.

With regard to the definition of spray drift, road transport and the spillage of chemicals apply to ground spraying as well as aerial spraying. If it is felt at a later stage that it might be wise to include ground spraying, well then I would give very serious consideration to amending the legislation to include it.

In connection with the definition of aerial spraying, the exclusion of jettisoning is not contained in the Tasmanian Bill. It does not appear to provide any advantages to operators, but it does create some doubts regarding insurance compensation in the event of damage resulting from such action. The situation, however, is covered by the Damage by Aircraft Act, 1964.

The member for Beeloo mentioned prescribed areas. Paddocks are normally inspected by the ground team and frequently by the pilot before spraying is commenced, and no difficulty has been experienced in defining the limits of the prohibited areas at Geraldton. As the honourable member knows, no aircraft is supposed to fly over certain defined areas, and the pilots are able to pinpoint those areas by roads, fences, and the like. In the case of the Swan vineyards, roads constitute the boundaries.

As far as proclaiming areas is concerned, the Minister has authority to define hazardous areas and, no doubt, would do so after full consideration of any request made by any section of producers. He administers the Noxious Weeds Act in Western Australia, while in Victoria the Minister for Lands administers that particular Act. This probably answers the criticism, because the Victorian Act refers to the Minister for Lands and the Western Australian Act is administered by the Minister for Agriculture.

With regard to the insurer's right to inspect, one would expect both parties would be anxious for the insurer to inspect damage. No such provision has been included or found necessary in comparable legislation.

A reference has also been made to false allegations. The Crown Law Department considers that at this stage provision should not be made under clause 14 (4) for a false allegation to constitute an offence. An allegation made in good faith may be false. I think it is known that it is quite possible to take action against people who deliberately make false statements under other Acts.

With regard to the effect of the legislation on the operators, uniform legislation, particularly in relation to chemical rating and insurance, is intended to be of advantage to operators by facilitating movement between States. I cannot see any risk of driving aerial operators away by aiding unfair competition from ground operators. The Bill will certainly ensure that pilots are better equipped to undertake the work and appreciate the hazards involved.

The member for Gascoyne made a point about the ground spraying, to which I have already referred. With regard to the responsibility of the property owner to keep records, most records required are already being kept by the major contrac-

tors, and a period of two years would provide ample safeguard without posing real administrative problems.

If operators feel strongly on this point, one year would normally meet departmental requirements. However, I suggest that the legislation be accepted as it is. It is new legislation and should be given a trial. If amendment is later found necessary, I will be quite prepared to make it. In most cases, the land sprayed would be only portion of that represented by a specific location number, and a more detailed definition would be necessary. With regard to the reference the honourable member made to the location of the land, the information required is already being recorded in an acceptable manner by the operators.

The period of notification has been mentioned. The honourable member suggested that seven days was quite sufficient, and I think that is the situation in the Victorian legislation. Other members have suggested it should be three weeks. They consider that very often farmers are loth to take immediate action and do not realise that the time is slipping quickly away. Before they know where they are the time allocated under this type of legislation has gone.

However, I think that the period of 14 days is a reasonable one, but if we find, from experience, that it should be reduced, then I would be prepared to give consideration to an amendment.

The member for Perth made some comments to me with regard to several portions of the legislation. First of all he mentioned that a person who operates an aircraft for aerial spraying does not escape liability at the expense of the owner.

Here again, I believe the person who is the owner should be the one who is responsible. Even if he leases aircraft to someone, he should still be responsible and should make absolutely certain, before he leases the aircraft, that he has the information and that the records will be supplied to him. Such a provision is contained in the legislation, and this makes the situation very clear indeed; I do not think anyone can misunderstand it.

There is one further point I would like to mention with reference to a statement which appeared in the political notes and which was referred to by Mr. Jamieson. I would like to try to explain the situation, because my meaning was not as the member for Beeloo interpreted it. Whether or not anyone else noticed this article and arrived at the same interpretation, I do not know. I will quote the last paragraph of these political notes which appeared under my name on, I understand, the 25th August, 1966. It reads—

> These measures will be welcomed especially by people in vine, fruit and vegetable-growing areas, who are aware of the tremendous damage to crops which has resulted in the past from uncontrolled aerial spraying.

I understand the word "tremendous" suggests my statement deals with a huge area of land. That was not the point at all. The point I intended to convey concerned the specific damage which had been caused to crops. When I mentioned this, I had in mind the situation which occurred in Geraldton. I repeat, my meaning was in respect of the amount of damage which had been caused, and it was not the area of land or the number of times that aircraft, through spraying operations, had damaged crops. I was referring to the particular damage that can be done on any occasion. That is the point I meant to convey, and if I conveyed it so that people misunderstood me, I apologise.

As I have said, there are several amendments on the notice paper and these appear as a result of the conversations I have had with, and the deputations I have received from, the association. I hope to move these amendments in Committee.

Before I resume my seat, I would like to say that I hope the House will pass this legislation in order to give it a trial. The member for Geraldton has expressed his feeling that the Bill does not go far enough. However, I believe we should give this legislation a trial and, with the experience gained from it, if there are any other factors involved in future, I will be only too happy and quick to bring down amendments to improve the situation.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation—

Mr. SEWELL: Later on, I will formally move to delete the words "or fertiliser" in lines 8 and 9. The Minister has mentioned the damage which some fertilisers can do to certain pastures, but I think the words which follow "or fertiliser" cover what he intends. If the Committee agrees to my suggestion, I think the definition would cover the situation as far as the Minister is concerned. I will be interested to hear what some of the producers on the other side of the Chamber have to say. I move an amendment—

> Page 2, lines 8 and 9—Delete the words "or fertiliser".

Mr. NALDER: I think I explained the position when I was closing the second reading debate. I appeal to members not to agree to this amendment. I pointed out that some fertilisers, especially the nitrogenous fertilisers, can do a considerable amount of damage, and, therefore, it is

only fair and reasonable that these words should still be contained in the legislation. For the life of me, I cannot see why these words should be taken out. They will not cause any inconvenience at all.

It is very important that a pilot who is spraying the fertiliser should be competent and should know just where he is spraying. If by any chance, a pilot should fly over an area of growth of some description which can be affected by these fertilisers, why should he not come under the same provisions as others who are spraying with chemicals? This is not going to inconvenience anyone. It is not going to put aerial operators at any disadvantage as against those who would be spraying on the ground.

As I have said, I intend to cover this point with legislation next year. I hope the Chamber will not agree to the amendment.

Mr. JAMIESON: From what I heard the Minister say, I feel there is a lot more in this than he has indicated. The deletion of these two words would bring this legislation into line with the legislation which exists in the Eastern States, because in the Eastern States' legislation there are no provisions covering fertilisers.

I appreciate I am not a practical farmer, and I would ask some of the Country Party members to examine the position in order to see exactly what this affects. It is true that urea and some other types of fertilisers may cause damage. However, what about superphosphate? When I referred to this matter, I received an indication that a farmer would be inclined to clap his hands if a surplus of superphosphate were dumped on his property. Indeed, there are operators who specialise in topdressing only with superphosphate. The machines are set up for this purpose. If this provision is included in the legislation, these people will have to carry this insurance on the same basis as the person who is using the most toxic, or the most severe type of hormone spray which could be applied. There is no comparison at all.

This will not affect me financially, but it will cause an increase in cost to the farmers throughout the country who use superphosphate, and their costs will have to be passed on in the price of their commodity. We have already complained that this has not been possible over recent years.

Therefore, I do not know how these people are going to carry this increase in costs. It might be all right for certain farmers on certain types of holdings, but those who are farming on rather rough ground which requires fairly frequent topdressing should be given some relief and should not be expected to pay the additional cost which would be associated with the rather expensive insurance which would be required in connection with the matter.

Mr. SEWELL: I would like to say that I agree with what the member for Beeloo has had to say in this connection. I know that in the northern districts we only have tomatoes and peas to worry about as far as aerial spraying, or any spraying for that matter, is concerned. However, large quantities of ordinary superphosphate are spread from the air.

I would think that the last words in the definition, "or any preparation containing a chemical so prescribed" would cover urea and other fertilisers which contain harmful ingredients. Surely it could be prescribed that anyone using urea, or any other harmful chemicals in their fertilisers, should have to take out a license and insurance as applicable to other sprays.

Mr. NALDER: That will be the position. I was going to make this remark in reply to the member for Beeloo when he mentioned the people who would be spraying with ordinary, plain superphosphate. Of course there will be no hazard at all with superphosphate.

However, anyone who sprays a chemical which is prescribed under this Act, will have to compile reports and record all the details of spraying. As I have said before, urea, or any other type of fertiliser which can do damage, will be prescribed under the Act. Therefore, I think I have cleared up the position, because plain superphosphate, and any of the trace elements that have a direct effect on the growing of crops, will not be prescribed under this legislation. The fertilisers which will be prescribed under this legislation are the ones which are likely to have an effect on growing pastures, growing crops, trees, or shrubs.

Mr. JAMIESON: I would agree with the Minister's ideas on this, if the Bill were as he indicates it is, but it is not. A clear definition applies under this Bill which is not applied in Victoria. This definition is very clear to all concerned and it reads—

> "agricultural chemical" means any chemical prescribed as an insecticide, fungicide or herbicide, or as an agricultural chemical or fertiliser.

It is very clear that urea and superphosphate are not defined.

Mr. Lewis: The definition continues by saying, "containing a chemical so prescribed."

Mr. JAMIESON: The definition does not continue as stated by the Minister but instead reads, "or any preparation containing a chemical so prescribed." Another, "or" is included. One has to get the "ors" in perspective, or else this will be a rather awesome proposition if the Minister proposes to leave the words in the definition. I suggest he would have been wise if he had adopted a similar definition to what is contained in the Eastern States legislation.

However, he could not do that because in that legislation another Act is specified. In this other Act there is no specification of fertiliser. The Minister should clarify the position, because once a definition of a substance is placed in an Act it cannot be altered by regulation. This is one of the main reasons why aerial spraying operators in this State have objected to the acceptance of this legislation as it is; not because of the clear definition of an agricultural or chemical fertiliser. I hope members clearly understand this if it is intended to press ahead with the Bill and have this definition remain in it.

Mr. NORTON: The member for Geraldton and the member for Beeloo are quite correct in what they have said. The definition applies to an "agricultural chemical" and it then goes on to explain what this means. Therefore the definition is very definite that a fertiliser is an agricultural chemical. The Minister could claim that urea could come within the description of any preparation containing this chemical, but whilst a fertiliser is a definite subject under the definition, it must have application to a fertiliser.

Mr. NALDER: My advice is that the situation is as I have stated, and the definition in the Bill should be retained. I will have a further look at the position and if what the member for Beeloo and the member for Gascoyne have said proves to be correct I will be quite prepared to have an amendment moved in another place.

Amendment put and negatived.

Clause put and passed.

Clauses 4 and 5 put and passed.

Clause 6: Control of aerial spraying—

Mr. DURACK: In the course of his reply to the second reading debate, the Minister was good enough to answer the comments I made to him in connection with subclause (2) of this clause, and the effect of the provision placing an absolute criminal liability upon the owner of an aircraft which is carrying out aerial spraying operations. Going some way towards justifying this rather severe liability being placed on the owner of an aircraft, he explained that the owner should take the responsibility to ensure that any aircraft he lets on hire to somebody else for aerial spraying should come within the provisions of this legislation.

In theory that may well be desirable, but it seems to me that any absolute liability for a criminal offence, for which there is a maximum penalty of $400, or imprisonment for six months, should really be applied only to the operator of the aircraft which is being used for aerial spraying. That liability is to ensure that the pilot holds a requisite certificate, and this should be placed on the operator and not necessarily on the owner of the aircraft.

There are, of course, conceivable situations where the owner of the aircraft may let it on hire to one or two men who are conducting an aerial spraying business on their own, and in that event the Minister's comments would probably be justified. It could well be, however, that the owner of an aircraft could let the aircraft to a company which is operating in a big way, and if that company allowed somebody who did not possess a certificate to carry out aerial spraying, even though the owner had made sure his aircraft was insured and that the pilots in the employ of the company were certificated, the owner would still be absolutely liable and would have no defence.

It is most undesirable we should create absolute criminal liability of this nature and I ask the Minister to have a further look at this subclause in the light of the comments I have made with a view to amending it in another place.

Mr. NALDER: Here again I would point out that this legislation has been agreed to by State Ministers following a decision and an agreement made at a meeting of the Agricultural Council. I understand this provision is the same as that in legislation enacted in other States, and the desirability of having uniform provisions in this particular clause is just as desirable as having them in any other.

This provision was referred to the Crown Law Department and again it recommended that it should remain as printed. I appreciate the point made by the member for Perth. It underlines the importance of this legislation when the onus is placed on the owner of the aircraft. We are aware of the responsibility that is placed on many people who own various pieces of equipment. It is the owner's responsibility to ensure that when he lends or hires a piece of machinery—in this case it is an aircraft—every precaution is taken to ensure that it is operated in a proper manner.

If we amended the Bill to remove the responsibility of liability from the owner to ensure that a pilot held a certificate to operate an aircraft for aerial spraying, it would be difficult to make anybody responsible under the legislation. If the owner is fearful he will be responsible, he will make every endeavour to ensure that the pilot of an aircraft used for aerial spraying does hold the required certificate.

We are trying to legislate to meet a situation which has been brought about because of the strength and potency of chemicals which are used for many purposes. The clause as printed in the Bill covers the situation, but if we try to cover all points raised by the member for Perth we will have difficulty in policing the Act. I will promise the honourable member I will refer his comments to the Crown Law Department for advice.

Clause put and passed.

Clauses 7 to 9 put and passed.

Clause 10: Security to be lodged by owner of aircraft against damage—

Mr. NALDER: Amendments to this clause were suggested by the aerial operators' association and they have been accepted. In this clause the director will be obliged to accept the responsibility of being satisfied that the owner of the aircraft has a certain amount of money to meet his responsibilities.

The owner has to satisfy the director on this score and, under the legislation the director will be satisfied if the company operating an aircraft lodges the finance required in another State. I move an amendment—

> Page 6, line 10—Insert after the word "Director" the words "or satisfy the Director that there has been lodged with a person acceptable to him in another State or Territory of the Commonwealth".

Amendment put and passed.

Mr. NALDER: I move an amendment—

> Page 6, lines 18 to 20—Delete the passage "with the Director of an insurance policy, issued by a Company approved by the director" and substitute the following passage:—"of an insurance policy covering Australia-wide operations, issued by a Company approved by the Director or the person acceptable to the Director, as the case may be".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 11 put and passed.

Clause 12: Pilot in command to keep records—

Mr. NALDER: I move an amendment—

> Page 7, lines 16 to 19—Delete the words "The pilot in command of an aircraft from which aerial spraying is carried out shall keep a record of the following particulars for a period of two years after the spraying is carried out, namely" and substitute the words "The owner of an aircraft from which aerial spraying is carried out shall make or cause to be made at the time the aerial spraying is carried out a record of the following particulars, namely".

It has been suggested that the owner of an aircraft might employ a pilot from the Eastern States who, after working for a few days in Western Australia, returns home. In those circumstances it might be difficult to require the pilot to keep the records. It was thought desirable that the owner should be responsible for this.

Amendment put and passed.

Mr. NALDER: Before I move the next amendment on the notice paper, I seek your direction, Mr. Chairman, on how the amendment is to be worded.

The CHAIRMAN: It will be in order for the Minister to move to insert paragraph (a) in line 20. The paragraphs already in the clause will be relettered.

Mr. NALDER: I move an amendment—

> Page 7, line 19—Insert the following new paragraph to stand as paragraph (a):—
>
> (a) the name and address of the pilot in command of the aircraft;

Amendment put and passed.

Mr. GAYFER: Paragraph (f) refers to agricultural chemicals. Trouble has arisen as to the definition of this term and the Minister has undertaken to examine the position before the Bill is transmitted to another place. I accepted his assurance, but now the position is becoming a little involved, because in the definitions the term "agricultural chemical" means—

> any chemical prescribed as an insecticide, fungicide or herbicide, or as an agricultural chemical or fertiliser . . .

Paragraph (f) does not mention fertilisers at all. Would the pilot of an aircraft have to keep, for two years, records of every acre which has been sprayed with fertilisers?

Mr. NALDER: I will have the position examined. Under this clause the owner of an aircraft must ensure that the required records are kept for two years, after which they may be destroyed. I cannot see any problem arising as far as fertilisers are concerned.

Mr. NORTON: Paragraph (f) seems to clear up the position, because it excludes fertilisers.

Mr. NALDER: I again seek your direction, Mr. Chairman. Is there a need for me to move, on page 8, line 4, for the substitution of a comma for the full stop?

The CHAIRMAN: There is no need to do that. The Minister may proceed to move the next amendment.

The clause was further amended, on motions by Mr. Nalder, as follows:—

> Page 8, line 4—Insert after the word "prescribed" the words "and shall keep that record for a period of two years after the aerial spraying to which it relates is carried out."
>
> Page 8, line 7—Delete the word "pilot" and substitute the word "owner".

Clause, as amended, put and passed.

Clause 13: Production of records—

Mr. NALDER: I move an amendment—

> Page 8, line 9—Delete the words "a pilot in command" and substitute the words "an owner of an aircraft".

This amendment is consequential on those I have already moved.

Amendment put and passed.

The clause was further amended, on motions by Mr. Nalder, as follows:—

Page 8, line 11—Delete the word "pilot" and substitute the word "owner".

Page 8, line 16—Delete the word "pilot" and substitute the word "owner".

Clause, as amended, put and passed.

Clause 14: Inspection of sprayed areas—

Mr. JAMIESON: If the Minister does not drastically alter this clause at some stage, no insurance company will take any risk. I indicated in my second reading speech that the Victorian legislation gives authority to the insurer or his assessor to inspect damage. It also gives the right to the Director of Agriculture in that State to give a certified copy of his officer's assessment to the insurer or the person who is being sued.

This legislation merely gives the director the right to examine the area but does not instruct him to do anything else. The assessor should be given the right of access to property. Surely the person running the risk should have the right of inspection. I drew attention to this point during my second reading speech but unfortunately I was not here when the Minister replied to the debate.

Mr. NALDER: During my reply to the debate I did answer this point, but the honourable member was not in his seat at the time. Any insurer has the right to inspect. It is not necessary for this provision to be placed in the Act and it has not been placed in other Acts. It is not in the Victorian or Tasmanian Acts. I am advised that no provision has been included or found necessary in any comparable legislation. I accept that as the situation. If a person or company insures anything, that person or company has the right to inspect. I have been advised by the operators that they have not found any difficulty in obtaining this coverage, as has been suggested by the honourable member.

Mr. JAMIESON: I am afraid the operators do not appreciate this situation. The Minister states that this provision is not included in the Victorian Act. If he looks in *Hansard* he will see the provision I quoted from the Victorian Act. The report of the director's representative is to be made available, on request, to the person alleged to have sprayed in an area outside the provisions of the Act. Also contained in the Victorian Act is a provision to allow the assessor to go on to the property concerned. No-one normally has the right to enter another person's property. If he does so, he is trespassing.

The aggrieved person is not likely to voluntarily give permission, because this might be to his disadvantage.

Mr. NALDER: In a case of damage, it would be to the advantage of both parties to have the damage assessed and settlement made as soon as possible. This point was raised with my advisers and they have told me that the situation is as I have outlined it to members. However, rather than take up the time of members, I will have the matter again checked and promise that the results of my inquiries will be made available to the honourable member through another place.

Mr. Jamieson: Fair enough.

Mr. NORTON: Under subclause (4), a person must report damage within 14 days of having observed it. That period is a little long, in my opinion, but I am not so concerned about that aspect. It is paragraph (b) which really concerns me, particularly in respect of vegetables which are affected very quickly by weedicides. These are totally different from the grain crops and probably come within the category of legumes, which are also affected very quickly.

With regard to beans, for instance, a crop might be sprayed after picking has commenced. Seventy-five per cent. of the crop might remain and this could be totally destroyed. However, under this provision damage must be reported at least 14 days before the crops are harvested, picked, or destroyed. With tomatoes, three or four weeks can elapse between the commencement of picking and the conclusion. I feel that this provision does not cover the situation and I therefore, to overcome the objection, move an amendment—

Page 9, line 22—Delete the words "at least fourteen days".

Mr. NALDER: I do not intend to agree to this proposition. We must consider this from a practical point of view. I appreciate the point raised by the honourable member, but if we stipulate so many days for beans, so many for tomatoes, and so on, the legislation would be unworkable.

The honourable member said that seven days would be sufficient in which to give notification of any damage. Someone else has suggested 21 days, and various other times have been suggested. I appreciate the situation, but some provision must be made in the Act in regard to this matter. It is quite possible that a person might observe what he thinks is damage but might not be satisfied on this first observation that there is real cause for complaint. He might make one or two more observations before he is satisfied damage has occurred.

In my opinion, 14 days is a reasonable period. If a person is satisfied in one or two days, he will take immediate action.

With regard to the harvesting of a crop, a person who is likely to have damage caused through spraying would certainly make sure he did not start harvesting his crop. If a person does start harvesting

and then decide he should have reported some damage, he would then have no hope of the crop that he harvested before he reported the damage being assessed. This provision is included to meet that situation.

I think this is quite a practical approach to this proposition and I urge members to leave paragraphs (a) and (b) as they are printed.

Mr. GAYFER: The Minister said we should be practical. He is a wheat farmer, or has been in the past. I put it to him that if he had an 800-acre field of wheat and a plane had flown over this field and sprayed a strip through the centre of the paddock, and if he were to start harvesting around the circumference of the 800-acre paddock, he would not see the damage until he came somewhere in the proximity of it with his machine. He would then stop in the middle of the paddock and wonder what he had come up against. However, he would not be allowed to lodge any claim, because he would have started to harvest the crop.

Mr. Lewis: He would not be harvesting the damaged crop.

Mr. GAYFER: My point is that he might not know the crop is damaged. How many times have farmers harvested wheat crops and, in the course of their harvesting, come across damaged sections? Of course they have had to stop harvesting and call in the assessor to inspect the damage.

Mr. NORTON: The Minister has missed my point completely. The position is that 14 days before one picks one's crop, damage from aerial spraying might take place. If it takes place within those 14 days, one cannot make a claim, because the individual has to lodge a claim 14 days before the crop is harvested or picked. What is going to happen if tomatoes, peas, or other crops which are susceptible to herbicides and weedicides are damaged in that period? Is the individual going to be compensated or not? The position is very clear: the individual has to lodge a claim 14 days before the harvest in order to receive compensation.

Mr. NALDER: No doubt the members who have spoken have the explanation for all of the problems which are associated with this measure. As everyone knows, the crop which is to be picked develops; it grows from the flower stage up to the time when it is ready for harvesting.

Mr. Hawke: The Minister is quite right, up to date!

Mr. NALDER: I am glad I have a supporter on at least one point.

Mr. Hawke: Up to date!

Mr. NALDER: In most cases any damage which would be caused to growing crops, or growing fruit, would be affected by a spray before the commodity was at the ripening stage. For the sake of argument, let us consider wheat. It has been suggested that I am a grower of wheat.

Mr. Norton: Do you pick peas before they are ripe?

Mr. NALDER: I suggest the member for Gascoyne should wait until I deal with the subject of wheat. If one were to spray a wheat crop when it was ripe, it would not be affected in any way at all. I cannot see that the spraying with any fertiliser or chemical, would affect in any way a crop which has ripened.

The member for Avon mentioned the situation whereby one could start harvesting and then find that the crop had been affected. For the life of me, I cannot see how anything could be proven after the crop had ripened as to the stage at which it had been affected, if it had been affected at all. Therefore, I would say that if the farmer had commenced harvesting, he would certainly not have any claim for the area of land being harvested. This is how I view the situation with wheat, and the same thing would apply to other crops.

Mr. Norton: What other crops?

Mr. NALDER: Many other crops. Let us consider pasture. If pasture has dried up, one could not tell from the dry grass whether some damage had been caused. It would be impossible to tell this from dried or withered grass; one would have to see it in its growing stage.

Mr. Norton: Tell us something about tomatoes and vegetables.

Mr. NALDER: I do not know about tomatoes.

Mr. Norton: That is the point!

Mr. NALDER: Here again, I would think that if damage had been done to a tomato bush, one would see the situation before the tomatoes ripened on the bush. This was pointed out by the member for Geraldton last year when he said that damage had been caused to the plants and eventually to the fruit.

I am prepared to add this point to the long list which I will compile and which will be referred to another place. If the member for Gascoyne persists, I will make the suggestion that the 14 days be taken out completely. I understand this is what he wishes.

Mr. Norton: Yes.

Mr. NALDER: As I see it, we might as well delete the whole clause. I do not see any advantage in leaving it in, because the total damage will be included in the whole of the definition.

Mr. Tonkin: What is the real purpose of including 14 days?

Mr. NALDER: It is included to enable the person to report the damage; it is necessary to have some period of time.

Mr. Tonkin: Why not seven days?

Mr. NALDER: I have just said that seven days is considered to be not long enough.

Mr. Tonkin: For whom?

Mr. NALDER: For the general run of the producers. I mentioned previously that somebody else had suggested that 14 days was far too short, and the period should be 21 days. It is a matter of opinion as to the amount of time which should be available for a report to be made. However, I would say that if a person has observed damage to his crop, his pasture, his fruit, or anything else, he would not wait for 14 days, or seven days; he would report it straightaway. However, in the case of the point I mentioned before, if a person was not completely satisfied as to what had caused the damage, he would observe it and then go back another day—perhaps two or three times—in order to have another look.

I think the provision is reasonable, because it allows for a period of time. It is suggested that this should be 14 days, and during that period a person can report any damage. This time could be cut down to seven, five, or four days. However, I think it is fair and reasonable that the time should be 14 days. If the Chamber is prepared to accept what I have said, I will have this looked at and, if necessary, it can be dealt with in another place.

Mr. NORTON: I would like the Minister to be clear on this point, because I do not think he understands what is being said. Subclause (4) of clause 14 contains two paragraphs—(a) and (b). The main part of the clause reads—

> (4) Where a person alleges that crops, trees, pastures or other growth or animal life on his land or land under his control have been injuriously affected by spray drift or aerial spraying, he shall notify the Director in writing to that effect—
>
> (a) within fourteen days of observing the damage.

I am not arguing on that, because I think the period could be less than 14 days. It is paragraph (b) which I query and query very substantially. This reads—

> (b) at least fourteen days before the crops are harvested or picked or before he destroys or causes to be destroyed the trees, pastures or other growth or animal life that he alleges have been so affected.

It is very clear that the individual must notify the director 14 days before the crop is harvested or picked. The damage could take place any time during the 14 days before the picking, or the harvesting. I am not trying to get away from the period of 14 days in which it is necessary to notify the director. However, I am trying to give the person who has a crop which could be easily damaged from spray—perhaps he could lose up to 75 per cent. of his crop—the opportunity to report it after the picking of the crop. I think that is fair and reasonable.

My amendment means that the person shall notify the director in writing to that effect before the crop is harvested or picked or before he destroys or causes to be destroyed the trees, pastures or other growth or animal life that he alleges have been so affected.

Mr. JAMIESON: Before we leave this clause, I would like to draw the Minister's attention to subsection (5) of the Victorian Act. This is a very important clause and I think it could have been included in our legislation. It is to the effect that any person who in notice given pursuant to the last preceding subsection—which, incidentally is almost identical with the one we have been debating, so the reference is quite in order—makes a false allegation with intention to trick a person authorised by him pursuant to subsection (1)—which, again, is the same as ours—shall, as a result of such an allegation, be guilty of an offence.

I did point out that it is desirable that this should be included in our legislation, because of the situation which may arise whereby a person may think that he may have a better chance, by making such an allegation, in any action he is able to take against an aerial operator. He could say that the particular operator had caused the damage on his property.

At the moment, there is no protection, because if a person makes a declaration and subsequently is not able to substantiate it, then whether it is false or not, it is just too bad. He can claim that it was his opinion. If there is a false statement in his declaration, I think he should be made to pay the penalty. Then he would be a little more diffident about taking action against an operator just for the sake of possibly collecting a reward from a person who may not have been guilty. If he has knowingly made such a declaration, I think the penalty should apply.

In my opinion this section in the Victorian Act is a very good one and should have been incorporated in our legislation. If not for any other reason, this should be included for the sake of uniformity. If a law exists in one State by which people have reasonable protection against false statements, then it should apply in other States as well.

Mr. NALDER: With reference to the point made by the member for Beeloo, here again I gave an explanation during the course of the second reading debate. The information given to me by Crown Law is that the officer in question does not consider at this stage that provision should be made in clause 14, subclause (4) for a false allegation to constitute an offence. An allegation made in good faith

may be false. Equally it could be claimed that false statements made under the other clauses in the Bill could constitute an offence. Action can be taken under other Acts against anyone deliberately making a false statement. I have been told that this is the position and, if a person deliberately tries to take advantage of the situation referred to by the member for Beeloo, he can be prosecuted through other forms of law which exist on our Statute book.

If the honourable member feels this should be specifically stated in this measure, here again I will have the matter looked at. However, I pass this information on in all good faith as the advice I have received from the Crown Law Department.

Mr. JAMIESON: I would be very happy if the Minister had this matter looked at again, and reported on it further at a later stage. I feel there must have been a reason why this was included in the Victorian Act. This Victorian Act was supposed to be the prototype, and the one virtually agreed upon by all agricultural organisations throughout the Commonwealth as the pilot legislation. If we were to follow it, there would be some degree of uniformity. If the Act is altered too much we will not get uniformity. The operators must have a clear knowledge of the situation in each State. They deserve some protection. There may not be a great number of cases where this will occur, but there could be. This legislation would discourage a person from making an allegation against an operator when he was not sure of his ground. It is unfair that he should have an escape in our own Act which says that he may have acted in good faith when he did not.

Amendment put and negatived.

Clause put and passed.

Clauses 15 to 19 put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 11.3 p.m.

Legislative Council

Thursday, the 3rd November, 1966

CONTENTS

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

QUESTION ON NOTICE

DIESEL OIL

Price at Esperance and Freight

The Hon. J. J. GARRIGAN asked the Minister for Mines:

(1) What is the approximate price per ton of diesel oil landed at Esperance?

(2) What is the rail freight charge per ton on diesel oil transported from Esperance to Kalgoorlie?

The Hon. A. F. GRIFFITH replied:

(1) This information is not available departmentally and would more properly be obtained from the oil companies and/or their customers.

(2) (a) In departmental tank cars the freight rate on diesel fuel from Esperance to Kalgoorlie is $15.45 per ton with a minimum of eight tons per four-wheeled wagon.

(b) In private tank cars the freight rate on diesel fuel from Esperance to Kalgoorlie is $13.91 per ton with a minimum of eight tons per four-wheeled wagon.

For goldmining purposes—

(a) As above $14.68 per ton.

(b) As above $13.13 per ton.

CLOSING DAYS OF SESSION

Standing Orders Suspension

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

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