subsequently adopted by the other States, the Minister for Labour and Industry in this State will then have to introduce amendments which will work in this State.

The Hon. G. C. MacKinnon: I do not know that that is remarkably distasteful.

The Hon. D. K. DANS: I do not want to engage in all the arguments we canvassed yesterday, but I suggest it is sheer pigheadedness that the Government will not withdraw the legislation. In the interests of common sense—and no-one will be hurt or disadvantaged—the Government should wait until the right type of legislation is introduced by the Federal Minister, on the recommendation of the manpower committee. When that legislation is introduced the Government might have our support.

I suggest to members in this Chamber that they should use their good offices to delay the passage of this Bill for at least six months.

The Hon. G. C. MacKinnon: You have done a great job of covering up for Mr Cooley.

Sitting suspended from 3.47 to 4.08 p.m.

Amendment put and a division taken with the following result—

Ayes—7

Hon. D. W. Cooley	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. Lyla Elliott	Hon. D. K. Dans
Hon. R. T. Leeson	*(Teller)*

Noes—15

Hon. N. E. Baxter	Hon. T. O. Perry
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. Clive Griffiths	Hon. J. C. Tozer
Hon. T. Knight	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. M. McAleer	Hon. V. J. Ferry
Hon. N. McNeill	*(Teller)*

Pair

Aye	No
Hon. R. F. Claughton	Hon. I. G. Medcalf

Amendment thus negatived.

Question put and passed.

Bill read a third time and passed.

BILLS (2): RECEIPT AND FIRST READING

1. Grain Marketing Bill.

   Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

2. Industrial Arbitration Act Amendment Bill (No. 2).

   Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

House adjourned at 4.15 p.m.

Legislative Assembly

Thursday, the 30th October, 1975

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

QUESTIONS (47): ON NOTICE

1. MANJIMUP HIGH SCHOOL
Prevocational Centre

Mr H. D. EVANS, to the Minister representing the Minister for Education:

(1) On how many occasions have tenders been called for a prevocational centre at Manjimup and on what dates?

(2) How many tenders were received on each occasion?

(3) What was—

(a) the highest;

(b) the lowest,

tender on each occasion?

(4) Were the specifications for tenders similar on each occasion they were called, and if not, in what ways and to what extent did they differ?

Mr GRAYDEN replied:

(1) (a) Tenders closed 30th July, 1974.

(b) Tenders closed 5th August, 1975.

(2) (a) (6);

(b) 3.

(3) First tender:

(a) $120 000;

(b) $50 875.

It is noted that the lowest tenderer withdrew prior to the contract being accepted. The second lowest price was $78 127.

Second tender:

(a) $71 557;

(b) $64 936.

(4) No. The roof structure was changed from flat roof to pitched roof and modifications were made to internal walls. The facia was deleted.

2. WOOD CHIPPING INDUSTRY
Commencement of Operations

Mr H. D. EVANS, to the Minister for Industrial Development:

(1) When is it expected that the W.A. Chip and Pulp Co. Pty. Ltd. will commence operations at their plant at Diamond Tree?

(2) Have downturns in the paper pulp and woodchip industry in Japan, as indicated in recent Press reports, caused any effect

on the operations of W.A. Chip and Pulp Co. Pty. Ltd., and if so, in what way and to what extent?

(3) When is it expected that the SEC power line from Collie to Diamond Tree to serve the woodchipping plant will be completed?

Mr MENSAROS replied:

(1) Commercial production is scheduled to commence in December, 1975.

(2) Yes, but not to any serious extent.

(3) Power is already available for testing all units except the chipping machine. Full power supply is scheduled for 17th November, 1975.

3. MANJIMUP SCHOOL

Toilets

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

(1) Is it intended that the toilets at the Manjimup Primary School which serve the youth centre will be upgraded?

(2) If "Yes" what will be the anticipated cost of upgrading and when will the work commence?

(3) If "No" to (1), and having regard to the fact that the toilets in their present state are condemned, how does he suggest that the youth centre continue functioning in 1976?

Mr O'NEIL replied:

(1) to) (3) The Education Department advises that there are no funds available for this purpose.

4. SEWERAGE

Rockingham

Mr TAYLOR, to the Minister for Water Supplies:

With respect to the proposed expenditure of some $668 000 for reticulation sewers by the MWSS & D Board at Rockingham—

(a) specifically what works are to be undertaken;

(b) what work force is likely to be employed;

(c) what proportion of the above work force could conceivably be recruited from within the Kwinana area;

(d) what numbers of workers might be employed within each of the major trade categories;

(e) when is work likely to—

(i) commence;

(ii) reach employment peak;

(iii) be completed?

Mr O'NEIL replied:

(a) Sewerage reticulation in areas Rockingham 10A and 7B and a pumping station in area 10A. Works are being constructed by various contractors for the board and were commenced in June, 1975.

(b) Work is nearly complete in all contracts and the maximum number of men employed was about 62.

(c) and (d) No men are likely to be recruited at this stage.

(e) (i) Work commenced in June, 1975.

(ii) Already passed, as Wanlis Street pumping station is 95% complete, reticulation area 10A is 85% complete and reticulation area 7B is 80% complete.

(iii) November or December, 1975.

5. SEWERAGE

Kwinana

Mr TAYLOR, to the Minister for Water Supplies:

With respect to the proposed expenditure of some $468 000 for sewerage treatment works at Kwinana—

(a) specifically what works are to be undertaken;

(b) what work force is likely to be employed;

(c) what proportion of the above work force could conceivably be recruited from within the Kwinana area;

(d) what numbers of workers might be employed in each of the major trades;

(e) when is work likely to—

(i) commence;

(ii) reach employment peak;

(iii) be completed;

(f) what could be the likely expenditure for the 1976-77 financial year with respect to this project?

Mr O'NEIL replied:

(a) Construction of primary sedimentation tanks, grit chamber, sludge lagoons, effluent disposal system and start a new sludge digestion plant.

(b) 20 men, reaching 30 at peak.

(c) The board has an obligation to keep its present work force employed. Consequently there will be no further recruitment.

(d) Carpenters—1 full time and 1 as required; bricklayers—a maximum of 2 as required; welders second class—1 as required.

(e) (i) Commenced early October, 1975;

(ii) March to April, 1976;

(iii) 1976-77.

(f) $250 000 for work currently planned.

6. PRISON

Canning Vale: Expenditure

Mr TAYLOR, to the Minister for Works:

With respect to the proposed expenditure of some $210 000 for the Metropolitan Regional Prison —Canning Vale—

(a) what work is expected to be carried out;

(b) what additional work force is likely to be employed;

(c) what trade skills are likely to be necessary;

(d) when is any additional work force likely to be employed?

Mr O'NEIL replied:

Finance allocated for this work is $201 000.

(a) Gate house, earthworks, security grills and services;

(b) (d) As contract is nearing completion, none.

7. BEACH EROSION

Mandurah: Expenditure

Mr TAYLOR, to the Minister for Works:

With respect to the proposed expenditure of some $420 000 for Mandurah beach rehabilitation—

(a) how long is the work expected to take;

(b) what work force is—

(i) presently employed;

(ii) likely to be employed,

to carry out such work;

(c) what trade skills are likely to be necessary?

Mr O'NEIL replied:

(a) Until mid-September, 1976, in accordance with the contract with Bell Bros Pty. Ltd.

(b) (i) 8 employed by contractor; 1 employed by Public Works Department.

(ii) The contractor's work force is not expected to vary.

(c) The contractor's present work force is 1 supervisor, 1 mechanic and 6 plant operators.

8. ELECTRICITY SUPPLIES

Meters: Reading on Saturdays

Mr DAVIES, to the Minister for Fuel and Energy:

(1) Is the SEC employing persons to read meters on Saturdays?

(2) If so—

(a) are such employees on penalty rates;

(b) what is the extent of the Saturday work;

(c) why cannot the work be done from Monday to Friday?

Mr MENSAROS replied:

(1) Some work has been done occasionally on Saturday to read meters.

(2) (a) Yes.

(b) During the past six months only five Saturdays were worked.

(c) Overtime was necessary to cover prolonged sickness and absences and not to inconvenience consumers by prolonging invoicing.

9. STATE FOREST AND TIMBER RESERVES

Differentiation

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

(1) In terms of security from alienation, what is the basic difference between State forest and timber reserves dedicated under the Forests Act?

(2) In general, what criteria influence a decision whether land should be dedicated as a timber reserve rather than as State forest?

Mr RIDGE replied:

(1) Section 21 of the Forests Act provides that revocation of State Forest requires a proposal from the Governor to be laid on the Table of both Houses of Parliament and a resolution being passed by both Houses that the proposal be carried out.

Section 25 of the Forests Act provides that the Governor may by Order-in-Council revoke in whole or in part any timber reserve under the Forests Act but not until a report of the conservator on the proposal for such revocation has been obtained.

(2) Section 19 of the Forests Act provides that the conservator shall, with the approval of the Minister, cause a classification of the forest lands of the State to be made for the purpose of determining which of the lands are suitable to be—

(a) permanently dedicated as State forests; or

(b) reserved from sale as timber reserves.

10. CONSERVATION

Hamelin Pool: Report

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

(1) Who were the members of the committee of international experts, and what were their qualifications, which prepared a report on conservation measures for the Hamelin Pool area for the EPA?

(2) Will the Minister please table a copy of the committee's report?

Mr P. V. JONES replied:

(1) and (2) A copy of the report is tabled and I also hand a personal copy to the Member. The names and affiliations of the experts who prepared the report are on page 3.

The report was tabled (see paper No. 509).

11. RESERVE No. 25869

Vesting and Classification

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

(1) What is the purpose, area, and vesting of reserve 25869?

(2) (a) On what date was this reserve declared class "A";

(b) which bodies have recommended that this reserve be made class "A" and when were such recommendations made?

Mr RIDGE replied:

(1) Purpose—Conservation of flora and fauna.

Area—809.371 3 hectares.

Vesting—The Western Australian Wild Life Authority.

(2) (a) 10th October, 1973;

(b) The Western Australian subcommittee of the Australian Academy of Science in 1962.

The Department of Fisheries and Wildlife on 28th June, 1972.

The Environmental Protection Authority on 24th July, 1973.

12. RAILWAYS

Bussell Highway: Relocation

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

(1) (a) In regard to page 30 of the Environmental Protection Authority's 1974 annual report, regarding the relocation of Bussell Highway and mining operations in the vicinity, has Westrail yet determined any routes for the relocation of the railway;

(b) if so, do any routes encroach upon State forests Nos. 1 and 2?

(2) Is it proposed that details of any relocation of the railway will be submitted to the Environmental Protection Authority?

Mr O'CONNOR replied:

(1) (a) Yes;

(b) No.

(2) No. The Westrail relocation does not encroach outside the existing railway or road reserves.

13. LAND RESERVES

Classifications: Differentiation

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

(1) In terms of security from alienation, what is the basic difference between class "A" and class "B" reserves dedicated under the Land Act?

(2) In general, what criteria influence a decision whether a national park should be declared class "B" or "C" rather than class "A"?

(3) In general, what criteria influence a decision whether a reserve for the conservation of flora and fauna should be declared class "B" or "C" rather than class "A"?

Mr RIDGE replied:

(1) Lands reserved and proclaimed classified as of class "A" must remain dedicated to the purpose for which they are classified until Parliament enacts otherwise.

Lands reserved and classified as of class "B" must remain dedicated to the purpose for which they are reserved until the Governor agrees to a variation or cancellation of the reserve.

Should the Governor so agree, a report on the circumstances must be made to Parliament within fourteen sitting days.

(2) and (3) Reserves are classified as of class "A" where it is considered desirable to have Parliament adjudicate upon changes to status, class "B" where it is considered desirable Parliament be informed, and otherwise class "C". The purpose of a reserve does not necessarily influence its classification.

14. LUDLOW TUART FOREST
Pine Plantation

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

(1) Have tuart seed trees been retained amongst the pine plantation areas within State forests Nos. 1 and 2 at Ludlow?

(2) If so, does this provide an option for these areas to be regenerated to tuart forest in lieu of pines, when the mature pines are cleared away?

(3) (a) What is the future of the former pine plantation land, within State forest No. 2 on the northern side of the Ludlow River;

(b) why have the pines been cleared and tuart seed trees been left standing?

Mr RIDGE replied:

(1) Selected vigorous tuart poles were retained on the land converted to pine plantations in State forest No. 2 at Ludlow to provide a natural seed source for subsequent reconversion of these areas to pure tuart forest. There are no pine plantations on State forest No. 1.

(2) Yes. Progressive reconversion of the mixed pine and tuart stands to pure tuart is one of the major objectives for the management of the Ludlow State forests.

(3) (a) Portion of the area made up of mining claims 1002H and 1024H is covered by a current mineral agreement with Ilmenite Pty. Ltd. The remainder will be managed as in (2) above.

(b) The cleared area forms part of the mineral claims. The tuart seed trees have been left standing so as to retain the option of regenerating the area concerned to tuart in the event of mining not proceeding.

15. YELVERTON, BRAMLEY AND BORANUP FORESTS
Area and Species

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

(1) What is the area of the Yelverton, Bramley and Boranup State forests?

(2) What is the area of karri forest type in the Boranup and Bramley State forests?

(3) What is the area devoted to pines in the Bramley State forest?

Mr RIDGE replied:

(1) The area of Yelverton forest administrative block (being timber reserve 139/25) is 1 114.9 hectares.

The area of the Bramley forest administrative block is 4 349.6 hectares (comprising State forest No. 56, 1 802.9 hectares and timber reserve 60/25, 2 546.7 hectares).

The area of the Boranup administrative forest block is 3 651.8 hectares (comprising State forest No. 45, 3 066.7 hectares, "A" class reserves 8435, 8436 and 8437, 510.2 hectares and timber reserves 96/25, 74.9 hectares).

(2) The area of karri forest type in the Boranup forest block is approximately 1 277 hectares. There is no recorded area of karri forest type in the Bramley forest block.

(3) The area devoted to pines in the Bramley forest block is approximately 475.6 hectares.

16. KARRI FORESTS
Wood Chipping Industry License Area

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

(1) (a) What is the area of karri type forest within the Manjimup woodchip license area;

(b) what percentage of this is categorised as virgin forest?

(2) What is this area of karri type forest outside of the Manjimup woodchip license area?

Mr RIDGE replied:

(1) (a) State forest and timber reserves within forest administrative blocks—138 000 hectares approximately.

(b) Approximately 55%.

(2) State forest and timber reserves within forest administrative blocks—22 000 hectares approximately.

It should be noted that these areas do not include karri type forest in national parks, other Crown land and private property.

17. SOFTWOOD AFFORESTATION
Submission to Environment and Conservation Committee

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

(1) Did the Conservator of Forests make a written submission to the House of Representatives Standing Committee on Environment and Conservation concerning softwood afforestation?

(2) If so, would he table it?

Mr RIDGE replied:

(1) Yes.

(2) A copy of the submission is tabled herewith.

The submission was tabled (see paper No. 510).

18. CAVE RESERVES

Vesting

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

(1) In whom are the Yallingup, Mammoth, Lake and Jewel caves vested?

(2) Under what section of the Land Act were the vesting orders issued?

(3) What is the date of vesting?

(4) Have powers to lease been granted?

Mr RIDGE replied:

(1) Yallingup caves—The Busselton Tourist Bureau (Inc.).
Mammoth, Lake and Jewel caves —The Augusta-Margaret River Tourist Bureau.

(2) Section 33.

(3) Yallingup Caves—25th July, 1969.
Mammoth, Lake and Jewel caves —25th August, 1961.

(4) No.

19. TRAFFIC ACCIDENTS

Bussell Highway

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

(1) How many recorded traffic accidents have occurred on the whole of Bussell Highway between the Bunbury and Busselton townsites in 1971-72, 1972-73, 1973-74—

(a) fatal;

(b) other?

(2) How many of these occurred within a kilometre on either side of the Ludlow River?

Mr O'CONNOR replied:

(1) (a) and (b) Figures dealing with the traffic accidents are recorded in calendar years. The following tabulation sets out the required information—

Year	Fatal	Other
1972	4	31
1973	2	45
1974	1	38

(2) One fatal and seven other.

20. HEALTH

Crockery: Toxic Metal Content

Mr A. R. TONKIN, to the Minister representing the Minister for Health:

(1) What checks are made on—

(a) imported;

(b) locally made,

glazed crockery for permissible levels of—

(i) lead;

(ii) cadmium?

(2) What are the results of such checks, in terms of percentages of articles—

(a) imported;

(b) locally made,

contaminated beyond the level agreed as being acceptable?

(3) What is the acceptable level for each toxic metal and by whom is the standard set?

(4) Is there any particular country from which the number of contaminated articles is unduly high?

(5) Which countries check their exports for such contamination?

Mr RIDGE replied:

(1) Checks on imports, glazed crockery for lead and cadmium is the responsibility of the Commonwealth Department of Customs. Some imported and all locally made glazed crockery were tested for lead. Locally made glazed crockery has not been tested for cadmium.

(2) (a) 25%—above the accepted level.

(b) Nil.

(3) Lead — 7 p.p.m. — cadmium — not specified for crockery toxic and hazardous substances regulations.

(4) China.

(5) Not known.

21. ROADS

Road Verges Committee

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

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

(a) when was the sub-committee concerned with roadside floral areas established?

(b) who are its members;

(c) how many meetings has this sub-committee had, and what was the date of the last meeting?

Mr RIDGE replied:

(a) 2nd August, 1971.

(b) The original membership comprised—

Mr T. A. Pedersen, Main Roads Department.

Mr P. N. Hewett, Forests Department.

Mr R. D. Royce, Curator, W.A. Herbarium.

Mr Royce recently retired and his replacement on this sub-committee has yet to be appointed.

(c) This sub-committee has met informally from time to time and reported to the Road Verges Conservation Committee.

22. BUSSELL HIGHWAY

Upgrading

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

(1) When is the completion of upgrading of Bussell Highway anticipated—

(a) to Karridale;

(b) to Augusta?

(2) (a) Is it planned to upgrade the section between Newtown and Margaret River;

(b) if so when, and will it be to the same standard as that already carried out south of Margaret River?

(3) (a) When was the upgrading of the section south of Margaret River completed;

(b) further to recommendation No. 6 of the road verge committee report, what encouragement has the Minister given for the restoration of road verges of this section;

(c) does the Main Roads Department expect to achieve maximum restoration of road verges of this section through natural regeneration without any further work or has not its proper planning, construction and maintenance procedures yet been fully implemented?

Mr O'CONNOR replied:

(1) (a) and (b) No definite date has been established but depending on the availability of funds and other priorities, the extension to Karridale is considered the more important.

(2) (a) No.

(b) Answered by (2) (a).

(3) (a) Reconstruction was completed in May 1974 and sealing in March 1975.

(b) Extensive use of top soil has been made where earthworks have been necessary and the regeneration of native flora is occurring.

(c) It is expected that natural regeneration will achieve the desired result in most areas in time. However the placement of further top soil may prove necessary in limited areas.

23. DRYSDALE RIVER NATIONAL PARK

Biological Survey

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

(1) (a) Has the recent biological survey of the Drysdale River national park yet been written up as a report;

(b) if so, could a copy please be tabled?

(2) What conclusions have been reached from the survey in regard to the value of the national park and to its status?

Mr P. V. JONES replied:

(1) (a) and (b) No. The report will probably be printed and issued about March or April, 1976.

(2) A great deal of data was obtained during the survey and this needs to be carefully reviewed before conclusions and recommendations can be adduced.

24. CONSERVATION THROUGH RESERVES COMMITTEE REPORT

Bald Island

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

(1) Further to question on notice 27 asked on 8th October, and in particular part (4) of question on notice 10 asked on 11th September, did the CTRC make any recommendations in regard to Bald Island?

(2) If so, what was the recommendation and on what date was it made, and why was it also not reported in the committee's 1974 report, like other areas within system 2, to allow the public an opportunity to express an opinion?

Mr P. V. JONES replied:

(1) No.

(2) Answered by (1). Again I refer the Member to the answer given to question on notice No. 18 on Tuesday, 7th October, in which I indicated my attitude towards questions relating to the Conservation Through Reserves Committee.

25. INDUSTRIAL DEVELOPMENT

Kwinana Beach: Land Acquisition

Mr TAYLOR, to the Minister for Industrial Development:

What sum has been set aside from General Loan Funds this financial year for the purchase of land and homes at Kwinana Beach by ILDA?

Mr MENSAROS replied:

$300 000.

26. TOWN PLANNING

Lake Carine Area: Development

Mr TAYLOR, to the Minister for Urban Development and Town Planning:

Specifically for what purposes is it proposed that the MRPA expend the sum of $4 344 000 for "development" associated with the Lake Carine area?

Mr RUSHTON replied:

This question is not understood. No provision has been made by the MRPA in its budget for 1975-76 to expend the sum of $4 344 000 for "development" associated with the Lake Carine area.

27. PORT OF FREMANTLE

Outer Harbour Development

Mr TAYLOR, to the Minister for Works:

With respect to the proposed works programme of $550 000 for Fremantle Port Authority outer harbour development—

(a) specifically what projects are involved;

(b) what work force is likely to be recruited for such projects;

(c) what proportion of such a work force might be expected to fill each major trade category;

(d) what proportion of such a work force might conceivably come from the Kwinana area?

(e) when are such projects expected to—

(i) begin operations;

(ii) reach their peak;

(iii) be completed?

Mr O'NEIL replied:

(a) (1) Stage 1 extension to bulk cargo jetty—purchase of steel and fabrication of piling by contractor, $500 000;

(2) Replacement of fairway buoy with new beacon, $50 000.

(b) (d)—

(1) It is unlikely that any additional labour will be required;

(2) Nil.

(e) (i) (1) First quarter of 1976;

(2) April, 1976;

(ii) (1) Second quarter of 1976;

(2) April, 1976;

(iii) (1) Last quarter of 1976;

(2) May, 1976.

28. PORT OF FREMANTLE

Victoria Quay Development

Mr TAYLOR, to the Minister for Works:

With respect to the proposed works programme of $520 000 for Fremantle Port Authority Victoria Quay development—

(a) specifically what works are proposed;

(b) what work force is likely to be recruited for such projects;

(c) what proportion of such work force might be expected to fill each major trade category;

(d) when are such projects expected to—

(i) begin operations;

(ii) reach their peak;

(iii) be completed?

Mr O'NEIL replied:

(a) (1) Stage 1 construction of "J" berth to accommodate special purpose vessels—exploratory drilling, purchase and fabrication of steel piles by contract, $500 000;

(2) Extension to gear store, $20 000;

(b) and (c)—

(1) It is unlikely that any additional labour will be required;

(2) Nil;

(d) (i) (1) First quarter of 1976;

(2) First quarter of 1976;

(ii) (1) Second quarter of 1976;

(2) First quarter of 1976;

(iii) (1) Second quarter of 1976;

(2) First quarter of 1976.

29. DISASTER RELIEF

Finance

Mr MOILER, to the Premier:

What steps has he taken to implement a permanent solution for the providing of finance for disaster relief, as promised in his policy speech?

Sir CHARLES COURT replied:

As previously stated, the Government has given consideration to the possible form of a natural disaster fund, as foreshadowed in our 1974 policy speech, but a number of practical problems have been encountered, not the least of which are the role of insurance companies and the possible impact on assistance which could be payable to the State under the Commonwealth national disaster relief scheme.

Nevertheless, we are perservering with our aim of establishing a viable fund and the Treasury is currently studying a number of alternatives for early consideration and decision by Cabinet.

30. SWAN VIEW SCHOOL

Improvements and Enrolments

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

(1) Does the Government intend to carry out improvements at the Swan View Primary School during 1976?

(2) If there is a possibility of improvements being made during 1976 what would they most likely be?

(3) What is the anticipated enrolment for Swan View Primary School for 1976?

(4) What is the present enrolment for the school?

(5) Does the Minister agree improvements are necessary at the school?

Mr GRAYDEN replied:

(1) Yes.

(2) New cluster of six learning areas plus a library/resource centre.

(3) 424 pupils.

(4) 387 pupils at 1st August, 1975.

(5) Yes.

31. PRE-SCHOOL CENTRE

Glen Forrest

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

(1) In view of the rapid population growth within the Glen Forrest area of the Mundaring shire, does the Government propose to establish a pre-school centre at the Glen Forrest Primary School or some other site in Glen Forrest in the near future?

(2) If not, why not?

Mr GRAYDEN replied:

(1) No.

(2) No new primary school, which would include a pre-primary centre is planned for the area in 1976. The situation will be reviewed in 1977.

32. EASTERN HILLS HIGH SCHOOL

Facilities and Accommodation

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

(1) Is the Minister aware of the many problems in connection with facilities and accommodation at Eastern Hills High School?

(2) (a) Does he propose to take steps to relieve the position in any way;

(b) if "Yes" in what manner and when?

Mr GRAYDEN replied:

(1) Yes.

(2) (a) Yes.

(b) Additional demountable accommodation will be provided for 1976.

33. MUNDARING SCHOOL

Improvements

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

What improvements will be carried out at the Mundaring Primary School during this financial year?

Mr GRAYDEN replied:

Funds are not available at present to undertake the extensions proposed at Mundaring. The matter will be reviewed if further funds are allocated.

34. HOUSING

Midland: Redevelopment and Maintenance

Mr SKIDMORE, to the Minister for Housing:

(1) Would he advise by way of plan or some other method, the areas that have been set down for development or redevelopment of homes owned by the State Housing Commission in the Midland area?

(2) (a) When will tenders be called for the commencement of the work, and is it anticipated that this work will commence early in 1976;

(b) if not, would he indicate the commencement date of such work?

(3) Would he undertake to fulfil the promise made to me over some 18 months that the necessary maintenance will be made to homes in the Midland area that need to be upgraded to a reasonable living standard?

(4) (a) Has a definite plan of maintenance been undertaken for the area mentioned in (3);

(b) if not, why not?

Mr P. V. JONES replied:

(1) The State Housing Commission has taken the decision that the timber-framed rental dwellings erected in the 1951-1954 period in the area generally bounded by The Crescent-Sayer Street-Charles Street-John and Cole Streets, at North Midland, will be substantially replaced with more modern and durable housing.

(2) (a) The commission intention is to commence the construction of new housing units on its land holdings in an adjacent area at North Midvale early in 1976, to provide a pool of accommodation for the transfer of tenants from the duplex-triplex type units.

(b) Answered by (a).

(3) A reasonable living standard will be maintained for all tenants and any items causing inconvenience to tenants or presenting health risk, or danger elements, will be attended to as required.

In view of the decision referred to in (1) above, general aesthetic maintenance and major structural maintenance will be limited in respect of these dwellings.

(4) (a) and (b) Answered by (3).

35. GREENMOUNT SCHOOL

Reticulation of Sports Ground

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

In regard to the question of the reticulation of the Greenmount Primary School sports oval—

(a) when will tenders be called for the work;

(b) when is it anticipated that the work will be proceeded with;

(c) what is the anticipated completion date of the project?

Mr GRAYDEN replied:

(a) to (c) Whilst definite dates cannot be quoted, it is anticipated that tenders for the proposed oval reticulation will be called in the near future and that the work will commence soon after.

36. SCHOOL AMENITIES

Employees: Industrial Coverage

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

(1) As regulation 56 of the Education Act permits the principal or headmaster of a school with the approval of the Director-General to establish and conduct within the premises of the school amenities not being conducted by a parents and citizens' association, does this mean that any worker employed to work in that amenity is an employee of the Education Department?

(2) If "Yes" what award or awards would cover workers concerned?

(3) (a) Are there any such schools in Western Australia where the headmaster or principal has established such amenities under the regulation;

(b) if so, where, and what were the types of amenities provided?

Mr GRAYDEN replied:

(1) Amenities established by the principal of a school are usually conducted by school staff employed under the Education Act or Public Service Act. Any voluntary workers who may assist would not be employees of the Education Department.

(2) See (1).

(3) (a) and (b) The range of activities which is possible under regulation 56, is such that virtually every school in the State can be affected. It is thus not possible to list each school and its specific amenity. It would be surprising if there were any schools which did not have at least one of the following: school fund, library, canteen, or parents working under voluntary conditions.

37. WATER SUPPLIES

Bassendean: Valuations and Allowances

Mr SKIDMORE, to the Minister for Water Supplies:

Would the Minister list the rateable valuations of the following lots, as well as their annual entitlement of kilolitres of water, and the method that is used

in calculating such amount for each of the lots so mentioned—

Lots 85, 86, 87, 88, 89, 57, 58 and 59 Anzac Terrace, Bassendean and lot 93 in Fourth Avenue, Bassendean?

Mr O'NEIL replied:

The valuations and water allowances are as follows—

Lot	Annual valuation. $	Annual water allowance. kilolitres
Anzac Tce.—		
85	577	276
86	562	269
87	406	194
88	468	224
89	484	231
Pt 57	655	313
Pt 57	671	321
58	374	179
59	515	246
Fourth Ave.—		
93	499	239

The valuations are based on annual rental values and these are provided to the Board by the State Taxation Department.

The annual water allowances are calculated in accordance with the board's by-law 254 and for 1975-76 one kilolitre is granted for each 11c of water rates.

38. BUS BAY

Great Eastern Highway, Midland

Mr SKIDMORE, to the Minister for Transport:

(1) In view of the fact that I have endeavoured since the 18th June to have established a bus bay in Great Eastern Highway at or near Third Avenue, Midland, would he treat as a matter of urgency the completion of the proposed survey so that the danger to children will be eliminated?

(2) Would he advise me of what action the department intends to take as soon as possible?

Mr O'CONNOR replied:

(1) and (2) Funds will be allocated and a bus bay constructed as soon as all arrangements with service authorities are completed.

39. SOLAR ENERGY

Research Centre

Mr MAY, to the Premier:

In connection with his announcement regarding the establishment of a solar energy research centre in Western Australia, will he advise details (locations, etc.) of the three sites which have been considered by the Government?

Sir CHARLES COURT replied:

The three general areas considered for a solar energy laboratory by the consultant group and by officers of the State Energy Commission are—

Geraldton,

Perth,

Bunbury.

The Geraldton region is favoured at this stage.

I emphasise that reference to Geraldton, Perth and Bunbury by name does not mean potential establishment in the actual towns mentioned, but in the respective regions.

For example, the consultants have interpreted "Geraldton" as the area stretching from Dongara to Northampton for purposes of the current study.

40. CONSUMER PROTECTION

Surcharge on Monthly Accounts

Mr SIBSON, to the Minister for Consumer Affairs:

Referring to a practice now carried out by some business houses of adding a surcharge of varying amounts to monthly accounts when tendering them to clients, has this practice been found to be legally valid?

Mr GRAYDEN replied:

I am unable to advise as to whether or not the practice referred to is legally valid without the relevant details available.

I request the Member to refer his constituent to the Commissioner for Consumer Affairs to enable him to examine all relevant documents and to consider all aspects to the complaint after which I will advise the Member.

41. ELECTRICITY SUPPLIES

Meters: Reading on Weekends

Mr BATEMAN, to the Minister for Fuel and Energy:

(1) In view of the unemployment situation which exists in Western Australia can he advise if it is true the State Energy Commission is employing meter readers to read meters on weekends?

(2) If so, what are the reasons and are they paid overtime?

Mr MENSAROS replied:

(1) and (2) Some overtime is occasionally worked by meter readers on Saturdays to overcome losses in normal time due to prolonged sickness and absences, and not to inconvenience consumers by prolonging invoicing.

Overtime rates were paid as applicable.

42. WATER SUPPLIES

Pay-roll Surcharge Account

Mr B. T. BURKE, to the Minister for Water Supplies:

(1) What amount of money deducted from wages paid to members of the water supply union is currently held in the pay-roll surcharge account?

(2) What proportion of the amount referred to in (1) is held against future payment of—

(a) long service leave; and

(b) annual leave entitlements to the members referred to in (1)?

Mr O'NEIL replied:

(1) Nil.

(2) See answer to (1).

43. PRE-SCHOOL CENTRES

Takeover

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

(1) Would the Minister list the local authorities and pre-school groups which have so far accepted the Government's offer for absorption of pre-school centres into the control of the Education Department?

(2) Has the Government refused to accept a request of any local authority or pre-school group to have their pre-school absorbed by the Education Department; if so, would he give details?

Mr GRAYDEN replied:

(1) As was indicated only a few days ago, negotiations are now proceeding with local government authorities and parent committees regarding the transfer of pre-school centres to the Education Department.

It would be improper to disclose these details until all matters have been finalised. It is hoped, however, that it will be possible to make an announcement before the end of the present parliamentary session.

(2) No refusals have been made at this time.

44. FIRE BRIGADES

Nature of Calls

Mr BLAIKIE, to the Minister representing the Chief Secretary:

(1) Further to Part (4) of question 20 of 29th October, 1975, would he advise by examples the nature of calls other than fire emergency as indicated by his answer?

(2) Has any assessment been made of cost related to (1) above, and if so, would he advise?

Mr O'NEIL replied:

(1) Calls for other than fire emergency are sub-classified:

(a) Overheating but no fire (65 calls).

e.g.—Conveyor belts and industrial equipment.

Electric motors overloaded.

Household equipment.

(b) Spillage of fuel (199 calls).

e.g.—Overfilled storage.

Traffic accidents.

Ruptured fuel lines.

(c) Leakage of dangerous fumes (32 calls).

e.g.—Fractured gas lines.

Other industrial and household equipment leakages.

(d) Damaged or dangerous buildings (4 calls).

e.g.—Assistance after storm damage.

Assistance after explosions, etc.

(e) Rescues (79 calls).

e.g.—People trapped in cars, wells, etc.

Children trapped in various other situations.

(f) Other hazards (75 calls).

e.g.—Calls to attend situations likely to result in fire other than those classified above.

(2) No. Equipment and manpower is provided for the prime purpose of fighting fires. It has been the policy of the Fire Brigades Board to render emergency assistance to the public where it has capacity to so do.

45. LAMB MARKETING BOARD

Processing Operations

Mr BLAIKIE, to the Minister for Agriculture:

(1) How many lambs have been—

(a) delivered to;

(b) handled by,

the Lamb Marketing Board in each month since 30th June, 1975?

(2) What is the board's cost for handling lambs, including killing fees, and has there been any variance in charges since 30th June, and if so, would he detail?

(3) Would he advise the monthly killing rate of lambs during June to September in each year since 1973?

(4) What is the duration of time required by the board to arrange slaughter of lambs on behalf of producers, as of today's date?

(5) Is it a fact that some producers have been advised that the board will be unable to process lambs until early December?

(6) If "Yes" to (5), will he give reasons for delay?

(7) How many lambs were handled by the board during the previous two years and what is the estimated total for the current year?

Mr OLD replied:

(1) to (7) The answer contains a great deal of figures and details and I seek permission for it to be tabled.

The answer was tabled (see paper No. 511).

46. GOVERNMENT EMPLOYEES' HOUSING AUTHORITY

Albany: Programme

Mr WATT, to the Minister for Housing:

Further to the Budget announcement by the Premier that spending on Government Employees' Housing Authority housing would be increased from $500 000 to $3 million for 1975-76, would he please advise the number and details of houses planned for Albany from this allocation?

Mr P. V. JONES replied:

The 1975-76 building programme provides for five houses and a six bedroom duplex at Albany.

One house and a block of four apartments (in lieu of the duplex) have already been supplied, leaving four houses to be provided to satisfy the balance of the programme.

47. PENSIONERS

Concessions: Report of Committee

Mr DAVIES, to the Premier:

(1) What progress has been made in considering the report of the committee appointed to deal with matters relating to pensioner concessions?

(2) When is it expected the report will be tabled?

Sir CHARLES COURT replied:

(1) and (2) I anticipate tabling copy of the report, and some observations by the Government, during the current session.

QUESTIONS (7): WITHOUT NOTICE

1. GOLDMINING INDUSTRY

Western Mining Corporation: Retrenchments

Mr T. D. EVANS, to the Minister for Mines:

Has he been able to ascertain whether, at the annual general meeting of shareholders of Western Mining Corporation Limited held in Melbourne yesterday, the future participation of the corporation in Kalgoorlie Lake View goldmining enterprises at Kalgoorlie and Hill 50 goldmining operations at Mt. Magnet, with a view to all such operations continuing without retrenchment of work forces, was discussed and, if so, was any determination arrived at? Would he please advise?

Mr MENSAROS replied:

The directors of Kalgoorlie Lake View Pty. Ltd. and Western Mining Corporation Limited are examining their position. Kalgoorlie Lake View's application to the Commonwealth Government for assistance has still to be resolved. At this stage I have no further information.

2. INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Withdrawal

Mr HARMAN, to the Minister for Labour and Industry:

My question relates to the legislation which was recently dealt with in this House. It concerns sweetheart industrial agreements. The question is as follows—

(1) Is it a fact that this legislation was brought to Parliament at the request of the Australian Minister for Labor?

(2) Did the Minister put great store on that request as the reason for the legislation being before this Parliament?

(3) As the Minister has now received information from the Australian Minister for Labor which negates the previous request, does he intend to withdraw this legislation from Parliament?

Mr GRAYDEN replied:

(1) to (3) I cannot thank the honourable member for any prior notice of this question, but I am happy to answer it. The legislation was introduced into this Parliament as a result of a request which emanated originally from a Premiers' Conference. Subsequently, a meeting of the State Ministers for Labour agreed that it was necessary to legislate in each State in order to give effect to the request of the Commonwealth. The telephone message I received as I walked into the House yesterday afternoon was to the effect that the Commonwealth Government would not be proceeding with the legislation it had prepared.

This obviously was a last minute decision by the Commonwealth Government, no doubt as a result of approaches from the Trades and Labor Council in this State or from members of this Parliament. It was a last minute decision, because two days prior to that my office had contacted Senator James McClelland's office and had been assured that the legislation would be proceeded with. So, we find a last minute withdrawal by the Commonwealth.

To my mind that was an abject capitulation on the part of the Commonwealth Government to the pressures exerted by militant trade unions.

3. INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Withdrawal

Mr SKIDMORE, to the Minister for Labour and Industry:

In view of the fact it was intimated to the Minister during the passage of the Bill through this House that there was no necessity for the legislation to be introduced in that form, because the Industrial Commission in this State had been advocating wage indexation schemes since the 6th July, will he now admit that the need for the legislation no longer exists, and that it should be withdrawn?

Mr GRAYDEN replied:

On the contrary, I received a message this morning from Senator James McClelland's office which indicates, firstly, that there is no attempt by the other States to shelve the legislation that they have introduced and there has been no request to this Government to withdraw the legislation. Yesterday in another place there was a massive attempt to deceive.

The SPEAKER: Order! The Minister must be careful not to debate the issue, but to answer the question.

Mr GRAYDEN: I am simply saying that the situation has not changed at all.

There is still a requirement for the States to go ahead with the legislation. The Commonwealth Government already has provisions in the Commonwealth Conciliation and Arbitration Act which partially cover the question to ensure that wage agreements are in the public interest.

The Commonwealth Government was under the impression those provisions did not go far enough and, therefore, desired to introduce additional legislation. It will not proceed with that legislation because of pressure from the trade unions. However, that does not alter the basic necessity for indexation. I am sure all States, and the Commonwealth itself, are opposed to inflation and unemployment.

In the circumstances, there is no suggestion that we will withdraw the legislation. We will, of course, continue with it.

4. WATER SUPPLIES

Pay-roll Surcharge Account

Mr B. T. BURKE, to the Minister for Water Supplies:

Could the Minister please tell me whether the moneys deducted from wages paid to Government employees are kept in a separate account, or whether they are merely a book entry and subsequently financed by deductions from general funds?

Mr O'NEIL replied:

To the best of my knowledge, no money is deducted from wages paid to employees and held in a separate account, as mentioned in question 42 on today's notice paper.

5. LAMB MARKETING BOARD

Processing Operations

Mr BLAIKIE, to the Minister for Agriculture:

In the tabled answer to part (4) of question 45 on today's notice paper the Minister indicated that it has taken six weeks for the lamb producers to arrange for the slaughter of their lambs.

In part (6) of the reply to the question the Minister indicated that the reason was a shortage of labour.

Will the Minister endeavour to ensure that this critical problem is overcome as soon as possible?

Mr OLD replied:

I can assure the member for Vasse that at all times the Midland Junction Abattoir Board is looking for learners to man the learners' chain in an effort to get the fourth chain into operation. Unfortunately, so far it has been unsuccessful.

6. WATER SUPPLIES

Pay-roll Surcharge Account

Mr B. T. BURKE, to the Minister for Water Supplies:

I ask the Minister whether a pay-roll surcharge account exists and, if it does exist, does it contain funds set aside to finance long service leave, annual leave entitlements, and current leave?

Mr O'NEIL replied:

I do not know whether an account called the "Pay-roll surcharge account" exists. However, I want to make the point that in respect of any business operation sums of money are set aside not out of workers' pay to cater for long service leave, sick leave, and annual leave.

The implication of the question is that the Metropolitan Water Board has available a sum of money which has been taken from the workers, and that is not true.

7. WATER SUPPLIES

Pay-roll Surcharge Account

Mr B. T. BURKE, to the Minister for Water Supplies:

Could the Minister see a solution to the need to retrench water supply workers in an agreement being reached that the money set aside to finance long service leave and annual leave be made available immediately to allow those workers facing retrenchment to be given the long service leave entitlement and the annual leave due to them?

Mr O'NEIL replied:

There have been negotiations between representatives of the Metropolitan Water Supply Union and myself, and between representatives of the union, the Premier, and myself. To date, I think I have had three meetings or, perhaps, four. The Premier has also had meetings with representatives of the union. All matters which relate to the finding of a solution to this particularly difficult problem are being canvassed between the union, the Premier, and myself.

The union has requested that these matters subject to negotiation be not used to stir the pot—if that is the right expression. In that respect, I suggest the honourable member should leave the negotiations in respect of the union to the elected members of that union.

CLOSING DAYS OF SESSION: SECOND PART

Standing Orders Suspension

SIR CHARLES COURT (Nedlands—Premier) [2.55 p.m.]: I move—

That, until the 31st December, or until such earlier date as may be ordered, the Standing Orders be suspended so far as to enable Bills to be introduced without notice, to be passed through all their remaining stages on the same day, and all messages from the Legislative Council to be taken into consideration on the same day they are received.

Members are aware—even those who have been here for the duration of this Parliament only—that this is a customary motion to introduce into Parliament about this time of the year. Its sole purpose is to enable some of the processes of Parliament to be streamlined. A Bill which has passed through the second reading and Committee stages can proceed immediately to the third reading stage if there are no obstacles or legitimate reasons why it should not do so. Likewise, as the motion sets out, Bills will be able to be introduced without notice and passed through all stages at the one sitting.

I want to assure members that the suspension of Standing Orders is not intended to be a process by which we can unduly pressurise legislation through this place. I think there has always been a fair amount of good sense—regardless of which Government has been in power—in relation to the suspension of Standing Orders.

The support of the Opposition is desirable and necessary at this stage, and I commend the motion.

MR J. T. TONKIN (Melville—Leader of the Opposition) [2.56 p.m.]: As the Premier has said, this is a customary motion at

this time of the session and, generally, we have no objection to it.

There is one area of concern, though. A few days ago the Premier indicated that a number of Bills were still to come forward. We do not know the nature of those Bills and it would be unreasonable, if some of those Bills are of a serious nature and require considerable study, that they should be pushed through all stages in the one sitting. The Opposition should be given an opportunity to consider those Bills, if they are of that nature.

I would like an assurance from the Premier that he will, as soon as possible, indicate the number and nature of the remaining Bills which are to be introduced. In the event that any of those Bills may require a reasonable amount of consideration, time should be provided for the Opposition to do justice to them.

SIR CHARLES COURT (Nedlands—Premier) [2.57 p.m.]: In answer to the Leader of the Opposition, I assure him that in accordance with normal practice in this place at this stage of the session, every opportunity will be given for the Opposition to give ample study to the Bills which are introduced. I think we have had a fairly good arrangement in respect of this matter in the past. If a Bill is of great length and complexity, it is unreasonable to expect the Opposition to proceed immediately. I cannot recall a case where this has happened, except by arrangement.

We would expect, and I am sure we would receive, the co-operation of the Opposition in cases where we want to proceed with Bills and where it is clear there is no good reason that they should be held up longer than is requested.

I was hoping to discuss with the Leader of the Opposition—and he understands why I could not do so yesterday—the nature of the legislation which has yet to come forward. Also, at an appropriate time later today I will discuss with the Leader of the Opposition a possible target date for the completion of this session.

Question put and passed.

STATE FORESTS

Revocation of Dedication: Motion

MR RIDGE (Kimberley—Minister for Forests) [2.59 p.m.]: I move—

> That the proposal for the partial revocation of State Forests Nos. 2, 22, 28, 36, 40, 43, 47, 64 and 69 laid on the Table of the Legislative Assembly by command of His Excellency the Lieutenant Governor and Administrator on 28th October, 1975 be carried out.

In support of the motion I would draw the attention of members to the fact that plans covering the 10 areas involved, and notes in connection with those areas, have been tabled.

Members will note that the proposed excisions amount to 906 hectares and the gain to State forest through exchanges contingent on these proposals is 182 hectares. This amounts to a net reduction of 724 hectares of which 708 hectares is included in the transfer to the Metropolitan Region Planning Authority of State Forest 69 near Wanneroo.

This large area is proposed for revocation and redirection to the Joondalup sub-regional centre. This action was agreed to by the then Minister for Forests in September, 1973, and the proposal is supported by this Government. Excluding this area, the net loss of State forest proposed under this motion is 16 hectares.

It is desirable to draw the attention of members to the fact that additions to State forest in 1974-75 amounted to 2 421 hectares and excisions embraced only 69 hectares.

I commend the motion to the House.

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

STATE FORESTS

Acquisition of Land at Manjimup: Motion

MR RIDGE (Kimberley—Minister for Forests) [3.01 p.m.]: I move—

> That the consent of this House be granted to purchase, acquire, resume or appropriate the land designated Nelson Location 3643 in the Shire of Manjimup for the purpose of inclusion in the surrounding State Forest No. 38.

By way of explanation it is necessary to point out that Nelson Location 3643 comprising about four hectares was purchased by the registered proprietor in 1922.

This small block is completely isolated within State forest and is uncleared. It is recognisable from the surrounding State forest only by the dilapidated remains of an old boundary fence and has no declared road access. Should the land remain privately held and be habitated, an expensive roading commitment would be necessary to isolate it from any adjacent Forests Department burning. There would also be the constant threat to the adjoining State forest of fire emanating from the block. Its forest potential is equal to that of the high quality surrounding State forest.

Letters dispatched with advice of delivery cards to the landholder's two known addresses have been returned unclaimed. He is not known in the district and is not on the electoral roll. In view of the circumstances outlined it is desired that the location be resumed and included in the surrounding State Forest 38.

Consent of Parliament is necessary as a preliminary to action being taken under the Public Works Act, 1902, for such resumption.

I commend the motion to the House.

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

BILLS (3): INTRODUCTION AND FIRST READING

1. Pay-roll Tax Assessment Act Amendment Bill.
2. Finance Brokers Control Bill.

   Bills introduced, on motions by Mr O'Neil (Minister for Works), and read a first time.
3. Public Areas (Use of Vehicles) Bill.

   Bill introduced, on motion by Mr O'Connor (Minister for Traffic), and read a first time.

GRAIN MARKETING BILL

Third Reading

MR OLD (Katanning—Minister for Agriculture) [3.05 p.m.]: I move—

That the Bill be now read a third time.

MR H. D. EVANS (Warren) [3.06 p.m.]: I would like to take the opportunity afforded by the third reading to make several further observations on this Bill before it leaves the House to go to another place.

Since the debate which took place in this Chamber the day before yesterday, the results of the referendum of lupin growers in this State have been received and it appears the first alternative was accepted by 314 growers to 264—roughly 54 per cent to 46 per cent. There are something in the order of 1 000 lupin growers in the State, and on that basis it seems quite a reasonable percentage of them were involved in the poll—something in excess of 60 per cent. At the same time, the decision could have been changed by 25 growers, so the distinction and demarcation between the alternatives is not very great. It is not comparable with, say, the Lamb Marketing Board poll.

Therefore, acceptance by the growers of the first alternative still gives rise to a need for consideration of the terms of the second alternative. The first alternative which was accepted was full acquistion for both export and local sales with provision for approval by the board of farmer-to-farmer sales or farmer-to-processor sales. In effect, it means total acquistion has resulted and that farmer-to-farmer or farmer-to-processor sales will be the subject of a permit from the Grain Pool.

That procedure is reasonable but it has some drawbacks. It will be necessary to obtain a permit first of all, if for no other reason than to meet the levies and fees which would be borne by the rest of the industry. On those grounds it is defensible, but application for a permit would subsequently entail the forwarding of a return to the pool, enclosing the requisite fees which would be demanded by the particular transaction. In the case of small transactions, even getting down to seed, technically there could not be any avoidance of this requirement. I do not think there is any provision for sales by or from the Department of Agriculture, which would also be involved.

We therefore have a situation where there is not a great deal of flexibility and where a system which is set up will be broken; there is nothing surer than that. At the present time farmer-to-farmer sales do take place, as everybody knows, and everybody accepts them as being part of the structure. But if we have a law and we are going to allow it to be disregarded, it is not good legislation. It is far better to devise a system which is acceptable and will work at the time the law is introduced. I think this is fundamental.

If the policing of a system like this is necessary, it will create resentment and abrasiveness that will lead eventually to the growers seeking some alternative form of operation.

I do not feel disposed to outline in precise detail the sort of system that should be followed; it would be beyond the scope and the ability of any member of this Chamber to do that. However, I do think the alternatives given to the lupin growers were not exhaustive. Other alternatives could have been presented and had they been presented they could have resulted in a different approach by the lupin growers of this State.

For example, had the pooling of lupin grain delivered to the Grain Pool or its receival agents been involved in the referendum—and dissociating farmer-to-farmer and farmer-to-processor sales in respect of feed grain—perhaps the result would have been completely different from the one we have before us now.

The situation in respect of oats remains unchanged. There is now complete acquisition in respect of lupins, but no provision is made for oats apart from the warehousing provision. To me it seems we have a situation that is potentially fraught with difficulties. In the course of the debate, when I was unable to reply to the Minister, I drew attention to the difficulty that would exist if the second alternative had been accepted. I pointed out it could not have been implemented anyway. However, the Minister assured me that it could have been implemented because the provision in the Act could be withdrawn on one month's notice, and lupins would cease to be a prescribed grain. He said the situation could be overcome in that manner.

I point out that would place lupin growers in the same plight that oats growers find themselves in at the present time, and would not overcome the difficulties I outlined in the debate. This is the position we are stuck with: on the one hand we have total acquisition of lupins and on the

other hand we have no acquisition in respect of oats.

Consultation with oats growers should have taken place. There could have been a greater degree of unanimity amongst the growers had an approach been made to them by way of a referendum or a series of meetings. This sufficed in respect of other industries, and it could have been sufficient in this case. However, there seemed to be no organised approach in respect of meeting the wishes of the grain growers; and, as has been shown frequently in the past, the voices of the organisations which represent growers are not necessarily a true reflcetion of the wishes of those in the industry. There can be fairly wide differentiations in this matter, as the Minister for Agriculture and his predecessor well know.

I would like to think that before this Bill leaves the Chamber we will receive an assurance that these matters will at least be further investigated, because at present the deficiencies I have outlined still exist and have the potential to produce serious disruption of the orderly marketing arrangements for these grains. On the one hand there is a lack of flexibility in respect of the lupin grower, and on the other hand there are insufficient arrangements to meet the full demands of the export oats trade.

We support the principle of orderly marketing, but we do have these qualifications and these areas of doubt which certainly have not been cleared up. I am sure this House has not heard the last of them. There is nothing surer than that an amending Bill will be brought before the Parliament again next year or the year after. I feel it would be more advantageous to sort out the whole matter now before the Bill goes into the Statute book.

Certainly it would be regrettable if the measure were delayed inordinately, but as it will not be proclaimed until January, probably no great urgency exists, and in the meantime a great deal of research could be done.

We are talking about a multi-million dollar industry involving the grain growers of this State. Lupins now have a large potential export market; they are proven at this juncture, and the market will continue to expand. It would be regrettable if disruption occurred as a result of the ineffectiveness of this legislation. Therefore, while we agree with the total concept of orderly marketing involved in this measure, we do have these twinges of fear and concern, in respect of which I hope the Minister will give us an assurance and initiate some action to have further research carried out in both the areas I have outlined.

MR OLD (Katanning—Minister for Agriculture) [3.16 p.m.]: I appreciate the concern of the member for Warren. I would like to point out that whilst the margin in the referendum may not have been as great as we wanted it to be, the result is still decisive bearing in mind that the closing date was extended for one week in order to allow those people who were rather tardy to participate.

Mr H. D. Evans: We agree with the democracy of majority decision.

Mr OLD: I would like also to point out that although lupins are a prescribed grain under this Bill, they were prescribed prior to now; so there is no change. It is not as though we are changing something; the status quo remains. I think the safest thing with lupins is to keep them within the present provision.

I share the concern of the member for Warren regarding the marketing of oats. I assure him that the investigations into finding a solution to the problem have not ceased. In fact, I would go so far as to say we are on the brink of a solution. I am hopeful that prior to this Bill going into the Statute book something may be able to be included in it to overcome the difficulties enumerated by the honourable member.

Mr H. D. Evans: Would it be possible to look at the foreshadowed proposition of the member for Stirling to be moved in another place?

Mr OLD: I give no undertaking whatsoever in that regard. I have already stated in the House, and I reiterate it, that we are taking legal advice on the matter and we will produce what we consider to be the best solution to the problem. I give an assurance that we are very concerned about this matter, as is the member for Warren, and we are making every endeavour to ensure that the situation is brought into line so that the interests of oats producers may be safeguarded.

Mr H. D. Evans: Would it be possible to obtain the Crown Law opinion before the Bill passes through the other place?

Mr OLD: Yes, definitely.

Mr H. D. Evans: So there is a chance that the Bill could be amended before it leaves the Parliament?

Mr OLD: I assure the member that the research is being carried on, and I feel we are close to a satisfactory conclusion.

Question put and passed.

Bill read a third time and transmitted to the Council.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

Third Reading

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

RESERVES BILL

Second Reading

MR RIDGE (Kimberley—Minister for Lands) [3.20 p.m.]: I move—

That the Bill be now read a second time.

Members no doubt will be aware that the Bill now before the House, traditionally and for practical reasons, is introduced at a late stage in the session to give the Minister for Lands the opportunity to place before Parliament in the one Bill as many proposed variations to Class "A" reserves as is possible. This is done to prevent the holding over of certain proposals in connection with these reserves until the following year, or until the next session of Parliament.

The Bill proposes variations to eight separate Class "A" reserves and I will give a brief coverage of the actions involved.

Clause 1 comprises the short title of the Bill.

Clause 2: Class "A" Reserve No. 27107 is an area of about 2 160 hectares extending south-east from Oyster Harbour to the sea and adjoins the eastern extremity of Albany townsite. It was set apart for the designated purpose "Townsite Extension—Albany—and National Park" in 1964 to protect some outstanding scenery and to cater for future urban development. The Albany Port Authority considers that the sea frontage is suited to development as a deep water port for loading bulk products into large ships requiring a greater depth of water than can be economically provided by deepening Princess Royal Harbour. Various interested authorities have been consulted and while there is no outright objection to the proposal it is fairly evident that several years will elapse before feasibility studies and preliminary planning can be evaluated. In the meantime, the reserve purpose indicates some possibility of urban development which would be likely to prejudice logical and orderly creation of a port. Altering the purpose to national park will remove this possibility of premature residential development without obstructing future diversion of the whole or any part of the reserve to any purpose acceptable to Parliament.

Clause 3: Class "A" Reserve No. 337 is an area of about 68 hectares straddling Albany Highway at Beaufort River and is set apart for "Camping, Stopping Place and Recreation". The Shire of Woodanilling wishes to establish a rubbish dump to serve the western end of its district, particularly in regard to waste from the Beaufort Tea Rooms. These tea rooms are north of the reserve on a block containing about two hectares, much of which is too wet during winter for rubbish disposal. The western severance of the reserve comprises about 14 hectares of sandy soil suitable for development as a rubbish depot and carries only unattractive scrub with some banksia. The rubbish can be trenched in the centre of this section of the reserve, leaving about 50 metres width of scrub to screen the tip from Albany Highway. The shire will supervise disposal and organise the trenching in a manner which will encourage regeneration of native vegetation.

Clause 4: Class "A" Reserve No. 2146 is an area of 40 hectares set part for "Recreation" and controlled by the Shire of Swan. The council owns 5½ hectares adjoining and the whole area is known as Noble Falls reserve. The shire constructed recreational facilities on its freehold land but inadvertently encroached to a considerable extent on the adjacent farming property. The general public have been permitted to use all facilities by courtesy of the present and previous owners of the farm during a lengthy period of negotiations designed to ratify the situation to the mutual advantage of the public and farmer. Agreement has been reached in a proposal to exchange approximately equal areas from the farm and this reserve, with the private property boundary being altered from the centre line of Wooroloo Brook to alignments some distance back from its banks. The farm fences enclose a substantial portion of the reserve and only part of this is being granted as exchange land, in addition to which practical access to the farm is by way of two tracks from Toodyay Road across the reserve, one to a creek crossing for heavy vehicles and the other to a timber bridge which spans the brook. It has been agreed that the existing fence can remain either until it requires replacement or for a term of 10 years, whichever is the lesser period. In addition, the shire has agreed to maintain the tracks serving the farm in return for transfer to the Crown without monetary compensation an area of 1.7113 hectares for use as a recreation reserve controlled by the shire. The last-mentioned parcel contains improvements provided by the shire for public use as well as a pleasant stretch of Wooroloo Brook and has not been developed as part of the farm.

Clause 5: Class "A" Reserve No. 8979 is an area of about 5½ hectares at Donnybrook set apart for "park lands" in 1903 as part of a design of subdivision. The bulk of the reserve has been developed as a park displaying a wide variety of trees, with a little more than one hectare on the western side having been completely cleared and used as a market garden. The Shire of Donnybrook-Balingup desires to establish a caravan park on the cleared section of the reserve and inspection confirms that the proposed site is ideal for the purpose. It is intended to create a reserve for the caravan park and issue a vesting order to the shire.

Clause 6: Class "A" Reserve No. 15997 is an area of 65 hectares enclosing Yeal Swamp and was originally set apart for "Water". In 1955 it was found to contain

gum trees suitable for feeding the koalas at nearby Yanchep National Park and to preserve these trees its purpose was changed to "Protection of Flora", with simultaneous delegation of control to the National Parks Board. Planning of a large reserve in the locality to conserve flora and fauna is now nearly complete and as Reserve No. 15997 adjoins and is no longer required by the National Parks Board, it is desirable to include the land with the larger area in a single reserve for conservation of flora and fauna.

Clause 7: Class "A" Reserve No. 21253 is an area of about 3 328 hectares near Hyden and was set apart for "Conservation of Indigenous Flora" in 1955. During 1973, the WA Wildlife Authority requested the Department of Fisheries and Wildlife to arrange a survey so that its conservation potential could be assessed. It was found that the area is important for both regional conservation and as a recreation area for local residents, with a lake being of prime importance to both aspects. Lake Gounter (Gunter) is used by water-ski groups and it has been agreed with the Shire of Kondinin that the western portion of the reserve can be used for general recreation —excluding shooting—including part of the western shore of this lake and a section of its waters. The purpose of the reserve needs to be altered to conservation of flora and fauna with delegation of control to the WA Wildlife Authority for effective administration.

Clause 8: Class "A" Reserve No. 23063, which contains about 25 hectares, was created for "Recreation—National Fitness" in 1950 and comprises those sections of Heirisson Island not required for Perth Causeway and anticipated future road expansion. The National Fitness Council, which has since been absorbed in the Youth, Community Recreation and National Fitness Council of W.A., was at that time seeking a site for development as a major recreation complex, and the available portions of Heirisson Island were considered satisfactory. The reserve was originally vested in the Minister for Education on behalf of the National Fitness Council until review of all aspects in 1960 resulted in a decision that the island was not well situated for the proposed forms of recreation, and the vesting order was relinquished. Since then, many suggested forms of development have been considered and it has now been agreed that the island can best be controlled by the City of Perth for picnicking and compatible forms of recreation, with provision for a fauna park to display selected types of wildlife. Work has already commenced, using funds supplied by the State and Commonwealth Governments and the City of Perth. The present reserve purpose is not really suitable where control is exercised by a municipality, and it is proposed to alter the purpose to public park.

Clause 9: Class "A" Reserve No. 22365 is an area of about 7½ hectares set apart for "Park and Recreation" at Preston Point and is vested in the Town of East Fremantle. Part of the adjacent river frontage is occupied by an Army small craft base and a cyclone fence surrounding that establishment encroaches on to the reserve to the extent of 204 square metres. The Commonwealth Government wishes to purchase this section of the reserve and has agreed to pay $2 000. The proposal has been referred to the Town of East Fremantle and the Metropolitan Region Planning Authority, and neither of those bodies has any objection to the sale.

In accordance with custom, notes in relation to the clauses of the Bill and the corresponding plans of the areas involved, have been provided for the information of the Leader of the Opposition, and I commend the Bill to the House.

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

FAMILY COURT BILL

Second Reading

Debate resumed from the 21st October.

MR BERTRAM (Mt. Hawthorn) [3.30 p.m.]: The Australian Labor Party has many great attributes, and one of them is that it sets forth with considerable detail and clarity its objective so that anyone with an interest in the party and the things it is striving to do and the reforms it is working towards may pick up the Australian Labor Party platform and find out with a certain amount of precision what is at stake; and this is a great thing. That is not the case in respect of the platform of the conservative parties; that is, the Liberal and Country Parties.

Mr Thompson: Did you tell us about Trades Hall?

Mr BERTRAM: Is the member for Kalamunda talking about Curtin House?

Mr Thompson: Yes.

Mr BERTRAM: It is next to Trades Hall.

Mr Thompson: We know that; we paid for it.

Mr BERTRAM: The Liberal Party platform is available but, until recently it was difficult to get hold of a copy. That platform is couched in the most general terms so that one could almost be a member of the Communist Party and agree with what is in it because it is in the most general and vague terms one could ever imagine, thoroughly unsatisfactory and fragmented to the very limit. When one picks up the platform one does not know what is

really intended. A few back-room boys or faceless men know, but no ordinary readers could know.

It is different altogether with the Australian Labor Party platform. It has its disabilities, if I may digress here, because it is often quoted out of context. The Minister for Labour and Industry has a habit of doing that and in the recent publication of insurance companies, the same thing was done. A little portion of the platform was taken completely out of context.

Let us have a look at the ALP platform on matters concerning divorce. On page 49 under the heading "Law Reform" are items 11 and 14 as follows—

> 11. Laws on divorce and other social issues to be reformed in the light of modern sociology and standards.
>
> 14. The law and administration of divorce, custody and other family matters to be altered to remedy existing abuses especially in regard to oppressive costs, delays and indignities. A parliamentary committee to inquire into the growing complaints that the divorce, custody and maintenance laws are operating unjustly and inefficiently.

Therefore was it not to be expected that in 1970, 1971, or thereabouts, Senator Lionel Murphy, the Labor Party's Attorney-General, now a Justice of the High Court—

Mr Thompson: We know.

Mr BERTRAM: Is the member for Kalamunda upset by the fact that he agrees with—

Mr Thompson: We are upset that that is where he is.

Mr BERTRAM: What about the Liberal Party's appointments, and Barwick?

Mr Clarko: That does not make it right though, does it? Do you think it is desirable to have ex-politicians become members of the High Court?

Mr BERTRAM: The Premier does not go along with the member for Karrinyup very much on that.

Mr Clarko: I asked you whether you thought it was desirable.

Several members interjected.

The SPEAKER: Order! I think we had better get back to the Bill.

Mr BERTRAM: Yes, Mr Speaker. Senator Murphy set in train a sequence of events including committees to investigate the situation in pursuance of and in compliance with the specific objective I have quoted from the ALP platform; and then he drafted a Family Law Bill. That Bill would have been an Act months ago had it not been for the conservative Opposition in Canberra bringing about a double dissolution and causing a breakdown in the sequence of the business of the Australian Parliament as it is currently doing.

Mr O'Neil: It had a pretty rough passage apart from that—on a nonparty basis, too.

Mr BERTRAM: Not too many Bills get a rough passage in this House because, as members know, Parliament does not function and that is something about which I complain. The Parliament over there did function. It may be that the Bill received a rough passage, but the result of all that will be, I believe and I certainly trust, that the Family Law Act of Australia will be a very good Act for the people of Australia.

Mr O'Neil: We all hope so.

Mr BERTRAM: The tragedy is that it should not come into operation until about the 5th January, 1976, when, had it not been for the Liberal and Country Party people in Canberra it may well have been operating on the 5th January, 1975.

Mr O'Neil: Had it not been for the attitude of some of those people, it might not have been law at all.

Mr Young: Would you deny them the right to properly debate the issues involved? I thought that was one of the rights you always so piously defend.

Mr BERTRAM: I was not aware that I was pious.

Mr Young: You are the most pious, sanctimonious fellow I have known. If you like you can take that as either an insult or a compliment.

Mr BERTRAM: I was seeking to point out that the benefits of the Commonwealth Family Law Act of 1975 have been delayed and the people have been denied the benefit of what it contains for a year or thereabouts.

One of the great things about the Australian Act is that no longer are we going to have the adversary system operating in our courts, at least in respect of divorce. It may well develop in respect of the ancillary matters, but not in respect of divorce.

The position up till now has been that when a marriage has been in difficulty and has been breaking down, that has been the signal for the parties to the marriage to instruct lawyers to start a-fuedin' and a-fightin', and a blood bath ensues, with a general gory mess as the result, at great cost.

Mr Hartrey: Perhaps you might not find all your legal colleagues in agreement with you on those last remarks.

Mr BERTRAM: That will all disappear. There were something like 14 grounds which one spouse could use against another for the purpose of getting a divorce. They have all gone now, and there is only

one. There is no-fault divorce now so that adult married people, finding their marriage has broken down can, in a more or less mature way, say, "Well, the show has broken down. Let us dissolve it in a more or less dignified, decent, and peaceful way."

Mr Hartrey: In other words, there is really only one ground for divorce, and that is that you are married!

Mr BERTRAM: I am not saying this applies to the ancillary matters. This is a great step forward. I think this is an appropriate time to mention one or two other aspects of the Family Law Act, which is the main Act the Family Law Court of Western Australia will administer, because quite a few of the provisions will be of great benefit and advantage and give to the women of Australia a far better deal than they have ever had previously. For example, if one has a look at the Family Law Act, 1975, one will find the following in section 4 (3) (b)—

> In ascertaining the domicile of a party to a marriage for the purposes of this Act—
>
> (b) the domicile of a woman who is, or has at any time been, married shall be determined as if she had never been married.

I do not propose to go into the details of the implications of that provision, but I believe it is a great step forward for women.

Mr J. T. Tonkin: Is there any difference between a marriage breaking down and a marriage breaking up?

Mr BERTRAM: That is a very good question, and possibly the Minister will be able to answer it.

Mr O'Neil: We are not talking about the Family Law Act, but about the Family Court Bill.

Mr BERTRAM: The purpose of which is to invoke the Family Law Act, and this is relevant because we do not want to set up any court or anything else without its having some knowledge of the Act it proposes to administer and later on perhaps to invoke.

Section 39 (3) of the Australian Act is also very interesting, and this is one of the reasons that the Family Courts will be busy for a time after this legislation comes into operation. Section 39 (3) states—

> (3) Proceedings for a decree of dissolution of marriage may be instituted under this Act by a party to the marriage if, at the date on which the application for the decree is filed in a court, either party to the marriage—
>
> (a) is an Australian citizen;
>
> (b) is domiciled in Australia; or
>
> (c) is ordinarily resident in Australia and has been so resident for 1 year immediately preceding that date.

That explains very significantly I believe the jurisdiction of the courts in respect of divorce in Australia.

Another very important section is the one to which I have already referred.

DRUGS

Display by Police

THE SPEAKER (Mr Hutchinson): I take this opportunity to advise members that at 3.45 p.m. today the Police Department will display outside the library samples of heroin, resin, hashish, and also samples of cannabis plants. I will leave the Chair until about 4.00 p.m.

Sitting suspended from 3.43 to 4.04 p.m.

Mr BERTRAM: Just prior to the afternoon tea suspension I referred briefly to a few of the very important aspects of the Australian Family Law Act, 1975. I mention the no-fault provision contained in section 48 (1) which states that a ground for divorce will be the irretrievable breakdown of a marriage.

Subsection (1) of section 61 is interesting, and it illustrates a very real departure from our past law in this sphere. It reads—

> Subject to any order of a court for the time being in force, each of the parties to a marriage is a guardian of any child of the marriage who has not attained the age of 18 years and those parties have the joint custody of the child.

Up till now the lawful father of children of a marriage has always been the one to have custody until that custody was displaced. So this provision will give the wife of a marriage equal rights in this respect for the first time.

I wish to refer briefly to two other sections. Section 119 reads—

> Either party to a marriage may bring proceedings in contract or in tort against the other party.

That is a revolutionary change, and once again, to the advantage of the wife. The provision is completely opposite to the ideas which the Liberal Party has exhibited in Western Australia for many years. Up till the 1960s, it stuck out doggedly against the efforts of the Labor Party to give a wife the right to sue her husband and vice versa in motor accident cases. It was pressure from the Labor Party which brought about that reform. At a later stage the Liberal Party tried to turn the clock back again but in 1969 the legislation it initiated was defeated. If members are interested in this matter, they will find a very interesting debate in *Hansard* of 1968-69.

Incidentally there may be some argument about the validity of this section. Like many other provisions in the Australian Act, no doubt it will come up for

examination and decision by the High Court in due course.

Section 120 reads as follows—

> After the commencement of this Act, no action lies for criminal conversation, damages for adultery, or for enticement of a party to a marriage.

That is a very worth-while provision. It is also true to say, and very interesting to observe, that no court fees will be payable in an Australian Family Court.

I will now turn to the Bill. It is designed to set up a Family Court of Western Australia, something which this Government is entitled to do under the provisions of section 41 (1) of the Australian Family Law Act, 1975, which reads—

> As soon as practicable after the commencement of this Act, the Australian Government shall take steps with a view to the making of agreements with the governments of the States providing for the creation of State courts to be known as Family Courts, being agreements under which the Australian Government will provide the necessary funds for the establishment and administration of those courts.

As you would be aware, Mr Speaker, five of the six Australian States have opted to allow the Australian Government to establish—and of course, in due course to maintain—Family Courts in the various States. Obviously, that includes Queensland, whose Government, strangely enough, has opted to accept the Australian Government's offer. The sixth State—Western Australia—has decided that it will not allow the Australian Government to set up its Family Court in this State, and our Government has exercised the right, provided by the subsection to which I referred, to set up its own court.

This Bill is before us because of the desire of the Western Australian Government to act in this way. When five States out of six opt in a certain direction, leaving only one going in another direction, it appears on the face of it as though that one State were acting unwisely or incorrectly. That does not necessarily follow, and we all realise that. However, surely it puts the Opposition in a position that it requires very good reasons to satisfy itself that the said State—in this case Western Australia—is doing the right thing for the State, and that there are no other reasons for acting in this way.

Not unnaturally, I asked some questions of the Minister on that particular point, and I will refer to these later. In his second reading speech the Minister said that he had four reasons for this decision, and if members read these four reasons I believe they will not be persuaded by them.

The first and second reasons seem to be largely a replay, one of the other. The gist of them is that with a multiplicity of courts a problem of jurisdiction can arise, and with different jurisdictions there is a problem that litigants do not know which court to go to for a solution to their problems. The Minister said—

> . . . When jurisdiction is divided, unfortunately there is often a problem of demarcation, and this can have serious consequences for parties who choose the wrong forum.

The second reason concludes in this manner—

> This would allow jurisdiction on all related matters to be carried out under the one jurisdiction.

We are all aware that jurisdictional problems occur, not only in the field of matrimonial law, but also in other fields of law. In recent times I have inquired about this problem from legal practitioners who practise in this area of law—the area which will be encompassed by this legislation—and they believe it is not a significant problem at all. I do not say it is not a problem, but I say it is not a significant problem.

The third reason given by the Minister was as follows—

> In the public interest, to keep the administration of justice as close as possible to the people it is designed to serve.

That is very high sounding, but it is difficult to sustain its application, or even to understand it. It sounds good, but in reality it is empty.

The fourth reason is a gem, and I will read it for members. It says—

> To make it unnecessary to establish a further Commonwealth court in this State.

Had our Government opted to allow the Australian Government to establish a court here, I suppose one of the reasons given for that decision would have been that it would make it unnecessary to establish a further State court.

When members hear reasons such as these being trotted out on a matter of importance such as this—that is, the establishment of a court of great consequence—one wonders about the bona fides of the Government, and whether perhaps there is some other reason behind the decision to keep out of step and to be the odd State out in regard to Family Courts in Australia. Therefore, in the opinion of the Opposition, the Government has not advanced adequate reasons to justify its departure from the policy of all other States of Australia; the reasons are simply most unconvincing. If good reasons exist, one would have thought the Minister would spell them out and not keep them a secret.

An agreement was to be entered into between the State and the Australian Government touching perhaps as much as anything on the cost of running this proposed court. It seems to me to be a little unfortunate that the Parliament once again is being obliged to make a decision on legislation, not having the faintest idea as to the form or contents of an agreement. If we were to know the terms of the agreement, on that score alone we might say, "We will not have a bar of the Bill." But we are being denied any knowledge of the agreement.

On the 29th October, I asked question 5 of the Minister which, in part, read as follows—

> (2) If (1) (a) is "No" what amount of the necessary funds for—
>
> (a) the establishment of the Family Court of W.A.; and
>
> (b) the administration of the Family Court of W.A.,
>
> will the Australian Government be asked to provide and how is the said amount computed?

Predictably, the answer was, "Entire amount". In other words, this Government intends to ask the Australian Government to pay the entire amount required for the establishment and maintenance of the proposed Western Australian Family Court. I suppose there is nothing wrong with asking.

Mr O'Neil: It is not a matter of asking. You read a provision in the Family Law Act which states that the Commonwealth shall finance the State Family Court. We do not have to ask because the Commonwealth in its own Act states that it will finance such a court.

Mr BERTRAM: I merely question whether the Australian Government will pay for the non-Federal portions of the jurisdiction of the Western Australian court. There is nothing wrong with asking for it, I suppose. But what would the Auditor-General say if he saw cheques being issued for the salaries of judges and the maintenance and other costs of a court which is dabbling, if one likes, in child welfare, the adoption of infants, or affiliation proceedings?

Would the Auditor-General say, "You have no right to spend money in respect of those things. You have the right to make laws only to the extent permitted under the Australian Constitution, and that does not include such matters as child welfare, affiliation proceedings, or matters relating to adoptions"?

I raise some very real doubts as to whether the Western Australian Government will receive a full reimbursement from the Australian Government for the cost of establishing and maintaining a court which will have not only Federal but also non-Federal jurisdiction, as is explicitly spelt out in clause 26 of the Bill.

Furthermore, the answer supplied to another part of question 5 reveals that the Chairman of the Western Australian Family Court is to receive a salary of $36 000, while a judge will receive a salary of $29 150. But if we have a look at the situation applying under the Australian Act we see that the chief judge—who, for the purpose of this argument could be compared with our chairman—will receive only $31 450. Is the Australian Government to pay Western Australian judges $5 000 above that which it is prepared to pay judges in the other five States? I would imagine that is a little optimistic.

Mr O'Neil: The answer states that these are the proposed salaries, which I am certain will be the subject of negotiation when the agreement is being drawn.

Mr BERTRAM: For the chairman and judges?

Mr O'Neil: Yes.

Mr BERTRAM: That may be so; nonetheless, there is quite a difference in the respective salaries. I simply do not want the Parliament to work on the basis that all these requests will be acceded to because it is my belief they will not be accepted and that the State of Western Australia will be forced to find moneys which, at the moment, it does not anticipate it will have to find.

In any event, these are points which need to be clarified. The financial adjustments to be made between the State and the Australian Governments should be known to this Parliament now, not after the event. There is no point in deliberating upon a matter without having the facts before us. No-one else would do that, and I do not see why the Parliament of this State should practise the policy.

Another matter which already occurs under the matrimonial causes legislation of the Commonwealth, is that whilst the whole of Australia is under the one Act and the one set of regulations, certain practices and formal procedures are not similar. Each State tends to vary. While a little variation does not really matter, I am concerned that this State, doing its separate thing divorced from all the other States, may tend to get out of line with the others. This seems to me to be undesirable because Australia is one nation and nowadays people move backwards and forwards across its length and breadth living in one State now and another State later. Therefore it seems most desirable in a matter of this sort that in so far as there can be identical operation administratively as well as in the substantive law, that is what we should seek.

There are one or two other matters to which I should perhaps refer. It is interesting to observe that under this Bill judges and counsel shall not robe. That seems to be a revolutionary step forward.

I will be interested to hear whether it is now the intention of the Government to bring in a law to the same effect in respect of, for example, the Supreme Court, in which it is necessary to wear both wig and gown; a rather odd performance, if I may say so. I think these days wigs cost something like $1 000 or more and that is an absurd and unnecessary expense. I simply make that observation. I feel if the time has arrived when there is no need to wear such adornments in the Family Court of Western Australia, then the time has also arrived when they should be banned wherever else they are used, whether in the ordinary court or the highest court of the State, which happens to be this place.

A matter which will interest all members is the provision in this Bill which describes the metropolitan region. That region has not yet been defined. In answer to a question the other day the Minister said the matter had not been determined, but the suitability of adopting the definition of the metropolitan region as found in the Town Planning and Development Act, 1928-1974, is being considered. I think the boundary for the purposes of this Bill is important, and it is most unfortunate that members of the Parliament should not be informed of it at this time. This is something which will affect their constituents in a very real way, and they should have a say regarding where the metropolitan region should begin and end. As it turns out, since members are not even told what it is, they can really do nothing about it.

In a further question I asked the Minister how many judges or acting judges of the Supreme Court and the District Court will be appointed to the Family Court, and the Minister said that the question of persons to be appointed as judges of the court had not yet been considered. We believe this is an important matter, because with the shifting of jurisdiction from various courts, including the Supreme Court, to the proposed Family Court of Western Australia it would seem on the face of it that it may be possible to have fewer judges in the Supreme Court. I am not saying that will necessarily be the case, but at least it is the sort of thing we ought to discuss in this debate.

I do not know how much of the time of the Supreme Court is taken up by actions in respect of the adoption and guardianship of infants. If the amount of time so taken up is significant, we may well find that we have more judges of the Supreme Court than ordinarily would be necessary.

Of course, if we do not know how many judges of the Supreme Court will be appointed to the Family Court of Western Australia, that is another aspect of the Bill we cannot discuss. The Parliament will be denied any opportunity sensibly to discuss the general disposition of the judges of the Supreme Court and the Family Court of Western Australia.

I do not think it is necessary for me to discuss the Bill any further at the second reading stage. The real point of my comments at this time is to place on record that we do not believe the Government has satisfactorily informed the Parliament of reasons sufficient to justify its departing from the policy of all the other States and setting up its own Family Court.

One can only wish the court well. Our opposition to the Bill will make no difference. We do not have the numbers either here or in another place.

Mr O'Neil: You do oppose the Bill, then?

Mr BERTRAM: The Government is in a position where it has only to introduce Bills; it does not have to justify them. So we just protest on that score. There are many aspects of the Bill about which we would like to know more and had we been better informed we would be in a far more suitable position to discuss the measure intelligently.

In those circumstances we have very real reservations about setting up the court in this manner. Personally I am inclined to the view that we would have done much better had we gone along with the other States. However, that is only my personal view. Since I am only one of 51 members I have to stick with my personal view but I can do little about it.

MR O'NEIL (East Melville—Minister for Works) [4.32 p.m.]: I am not sure whether I am able to thank the member for Mt. Hawthorn for his support of the Bill. I gather he has some reservations about it. In itself this is, in essence, a machinery Bill. It simply seeks to establish a Family Court and lay down the terms and jurisdictions under which it will operate. The Bill contains no matters of political philosophy whatsoever. It is the direct result of the Commonwealth family law measure wherein it has been agreed that the subject of matrimonial causes will be substantially changed from what it used to be in the past.

The member for Mt. Hawthorn made some reference to the fact that it was due to certain actions by the Opposition in Canberra that the Commonwealth legislation became a Statute later than it would have done. I have not read very deeply the debates that took place in the Commonwealth Parliament on the family law legislation, but I do know it was not only through the attitudes of the Opposition of the Federal Parliament, but the attitudes of even some members of the Federal Cabinet in the Parliament that occasioned a long debate which resulted in the Bill being delayed. I think it is the Commonwealth Minister for Tourism and Recreation (the Hon. F. E. Stewart) who is still very unhappy about what has happened. Be that as it may, the Commonwealth Government has now

passed a law which substantially changes the grounds on which a divorce may be sought, and in that family law legislation was a provision that the States could enter into agrement with the Commonwealth to establish Family Courts under their own control.

The member for Mt. Hawthorn believes that Western Australia is the odd man out. It is passing strange that had the situation been the other way around we would be accused of not acting independently on this matter and hanging onto the coat tails of the other States. So it depends on the circumstances at the time as to whether the odd man out is good or bad.

Similarly, the honourable member said that the reasons this State decided to establish its own State Family Court are not acceptable to him. Well, they are to us, and that is a matter of record. The member for Mt. Hawthorn then canvassed some of the problems that may occur in coming to an agreement with the Commonwealth on various matters such as payment of the judges and the like. He also said it would have been far better had we sought agreement before we considered the Bill, but of course negotiations cannot ensue until we have a Bill which is purely a piece of machinery to set up the structure of the court.

The funding and the salaries of the judges will surely come under the terms of the agreement. Whether or not there will be a sharing of the costs between the Commonwealth and the State in that area of jurisdiction which is under the State law again, surely, will be a question of agreement.

The member for Mt. Hawthorn asked a series of questions in relation to this and other matters and an attempt was made to answer those questions as well as possible. The honourable member made the point that the chief judge of the Commonwealth Family Court would be paid $31 450 and that this has been laid down in the Commonwealth Family Law Act, and that we propose that the Chairman of the Western Australian Family Court will have a salary of about $36 000. That is the proposal. However, the member for Mt. Hawthorn did not read the balance of the answer. He did read the following—

> The Family Law Act of the Commonwealth fixes the salaries as follows—
>
> Chief Judge—$31 450.
> Senior Judges—$29 250.
> Judges—$25 000.

The part of the answer he did not read is—

> However, it is understood that these will be revised shortly to establish salaries which will be comparable to those proposed for the State Court, a senior judge being comparable to the chairman.

So already it is quite clear that these answers which propose certain salaries are the subject of consideration preparatory to the drawing up of an agreement.

Even though we, or any other State, would be happy for somebody else to pick up the tab for the whole cost, I agree with the honourable member that there must be some basis for cost sharing as between the administration of the Commonwealth Family Law Act and the cost of administration of matters which are under the State law. That seems fair and reasonable to me, and I am certain it is not impossible for the Crown Law Departments in both the State and Commonwealth spheres to reach an agreement that will be satisfactory to both parties.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clauses 1 to 18 put and passed.

Clause 19: Application of Act No. 34 of 1938, to a person appointed a Judge—

Mr T. D. EVANS: The marginal notes to clause 18 read as follows—

> Application of Act No. 35 of 1950 to Family Court Judges.

In other words, Family Court judges are equated in terms of pension rights with the pension rights of District Court judges and Supreme Court judges, the District Court and the Supreme Court being two superior courts. However, under clause 19, I have a query.

By virtue of the provision in clause 18, the pension rights of a person, pursuant to the Judges Salaries and Pensions Act, immediately crystallise on his being appointed a judge, notwithstanding the fact that prior to such appointment he was a member of the Superannuation and Family Benefits Fund which applies to most Government employees.

I recall the case of an existing judge of the District Court who had previously been a stipendiary magistrate. On his appointment to the District Court it was necessary for him to resign from the Superannuation and Family Benefits Fund. It seems strange that a person should have his pension rights crystallised under the Judges Salaries and Pensions Act, and is obliged, if he so elects, to continue making contributions under the other scheme.

Mr O'NEIL: We must appreciate that judges benefit from a pension scheme to which they make no contribution. I gather most judges are appointed to the judiciary from members of the legal profession in

private practice; but there are others who were Crown Law officers previously.

If judges are appointed to the Family Court from the private practice area they will need to be subject to the same conditions as are applicable to the other judges. Those who are appointed from within the Public Service—the qualification is that they have to be legal practitioners with eight years' experience—would not relish the loss of any entitlement under the Superannuation and Family Benefits Act.

If there is any complication in this area I will bring the matter to the notice of the Minister for Justice, and convey to him what the honourable member has said in order that the anomaly he has referred to may be thoroughly examined.

Clause put and passed.

Clauses 20 to 24 put and passed.

Clause 25: Principles to be applied by the Court in its federal jurisdiction—

Mr BERTRAM: The provision in this clause is supposed to be a reprint of section 43 of the Family Law Act, 1975, of Australia. It appears there has been a slip, and I draw the Minister's attention to it. It might only be the unintentional omission of a word.

Paragraph (b) states—

> . . . responsible for the care and education of children;

However, in the Family Law Act of Australia the wording is—

> . . . responsible for the care and education of dependent children;

I do not know whether there is any intention to depart from the wording in the Australian Act.

Mr O'NEIL: This clause outlines the principles to be applied by the court when exercising its Federal jurisdiction. These are identical with those contained in the Family Law Act, 1975. They are identical to the point where the word "dependent" has been omitted in the Bill. I shall certainly raise this matter with the Minister for Justice to ensure that if there has been an error it will be rectified.

Clause put and passed.

Clause 26 put and passed.

Clause 27: Facilities—

Mr BERTRAM: This clause provides that there shall be available like counselling and welfare facilities to those available to the Family Court of Australia. It may be that the court in its non-Federal jurisdiction may have some need to use counselling and welfare facilities. If that is so, it is interesting to note that section 19 of the Australian Act provides that an affirmation of secrecy by a marriage counsellor shall be made. That seems to be a very essential feature.

It occurs to me that in respect of State jurisdiction it is a good idea to require such a counsellor to take a similar oath. I raise this point for what it is worth.

Mr O'NEIL: I have made a note of what the honourable member has said. I presume the provision in the clause relates to like counselling and welfare facilities to be undertaken in secrecy. I shall bring this matter to the notice of the Minister for Justice.

Clause put and passed.

Clauses 28 and 29 put and passed.

Clause 30: Non-federal jurisdictions of courts of summary jurisdiction outside the metropolitan region—

Mr BERTRAM: The provision in this clause is a departure from a policy which has been followed for many years, and such departure has not been explained to us or commented upon. Among other things, this Bill deletes part II of the Married Persons and Children (Summary Relief) Act. Section 7 of that Act comes within part II, and subsection (1) states—

> Subject to subsection (2) of this section the court is constituted by a Stipendiary Magistrate and one Justice of the Peace.

In the Bill before us the words "Justice of the Peace" have been omitted. Very often a justice of the peace sitting in a court under the Married Persons and Children (Summary Relief) Act is a woman. It is a requirement in summary relief courts to have a stipendiary magistrate and a justice of the peace to hear a case. I do not know what female justices of the peace will have to say about the provision in clause 29 of the Bill. It is not the sort of proposal to which we should agree by default.

According to many people, women more particularly, it is a significant departure from the present law. Perhaps of more recent years the need for a justice of the peace, more particularly a woman justice, in those courts can no longer be sustained. If that is the case at least it should be said.

Mr HARTREY: I do not find myself in entire agreement with the remarks of the previous speaker for these reasons: The justice of the peace is not necessarily a woman and whether the justice of the peace is a male or female he or she does not influence the decision of the court because the court's decision is the decision of the magistrate. People who know something of the law are not appointed justices of the peace. I have not heard of a retired lawyer being appointed a justice of the peace and a practising lawyer would not want to be because he would be occupied more properly at the bar.

Over the years I have had a great deal of experience of this type of jurisdiction and I have never found a use for the justice of the peace. If she were a pretty woman she was decorative; if she were

a bit of an old bag, or, worse still, the justice were a grey-bearded old codger who was somewhat grizzly, the person was only a pest. However, not one of them has ever made a contribution of any sort. Almost invariably the magistrate comes on the bench, sits alone, and, before proceedings commence, he asks whether there is any objection to his sitting alone, and both lawyers hastily assure him there is none. I do not know whether my female constituents would be distressed by the fact that a justice of the peace will not be appearing now. I have certainly not been from door to door to find out. I am afraid I would not gain strong support if I did so.

Mr A. R. Tonkin: You are not seeking any women's lib. votes?

Mr HARTREY: I am not seeking any Liberal votes at all. I am looking for Labor votes and I get sufficient to keep me here. All I can say is that I do not see that anything will be lost by the omission, whether it be casual or deliberate.

Mr O'NEIL: I shall bring to the attention of my colleague, the Minister for Justice, the comments of both learned gentlemen opposite.

Clause put and passed.

Clauses 31 to 33 put and passed.

Clause 34: Regulations—

Mr BERTRAM: This clause seems an appropriate opportunity to raise a question in regard to fees. I think it is a fact that no court fees will be charged in the Family Courts of Australia, but I would like to know whether that same policy will be adopted in respect of the Family Court of Western Australia in respect of the non-Federal jurisdiction it has.

Mr O'NEIL: The honourable member asked me a series of questions about this Bill and I was able to provide many of the answers. I regret I am unable to provide the answer to this particular one.

It seems reasonable to me that if an agreement is entered into with the Commonwealth on a cost-sharing basis, the costs applicable to courts administering Western Australian law will be applicable to that part of the family law operation. However, I cannot say whether or not this is a fact, but it seems a reasonable proposition.

Clause put and passed.

Clauses 35 to 37 put and passed.

First and second schedules put and passed.

Third schedule—

Mr BERTRAM: On page 25 is a proposed new section 28A (1) which those on this side of the Chamber support with some enthusiasm. I believe it is a provision which we sought to make law during the regime of the Tonkin Government. It was a provision the member for Kalgoorlie, then the Attorney-General, introduced, but it met a miserable fate in another place. One looks forward with interest to see how it is treated on this occasion when it is coming from a different point of origin.

I do not know whether what I am about to say will help its progress through another place, but I certainly wish to convey that it is a provision of which we approve and is contained in our Labor Party platform. In fact, the provision in the Bill goes even further than our intentions, which is somewhat miraculous. I understand that the Labor Party's proposition is that in certain special circumstances imprisonment shall still be permitted. One wonders whether such a provision should not be built into the law to meet the situation concerning a completely scurrilous fellow who has clearly the ability to pay, but who for some reason unknown to anyone, probably including himself, will not pay. However, we are thankful for small mercies. When conservative parties make a contribution to reform, we should grab it with both hands.

Mr HARTREY: Proposed new subsection (3) on page 26 refers to continuing the operation of section 29B. I do not recall that section. It certainly is not proposed section 29B of the legislation before us, because there is no such proposed section. Could the Minister tell me what the section is, and what it does?

Mr O'NEIL: The third schedule proposes to amend the Married Persons and Children (Summary Relief) Act.

Mr Hartrey: What is the section 29B, referred to?

Mr O'NEIL: I am very sorry, but I do not have a copy of the Married Persons and Children (Summary Relief) Act before me.

Mr Hartrey: Perhaps someone could provide me with a copy.

Mr O'NEIL: While there is some movement on the station, opposite, I will mention that the member for Mt. Hawthorn referred to the fact that this provision was proposed by the previous Government through the then Attorney-General, now the member for Kalgoorlie. That is so. I cannot recall precisely the fate of the proposal, except that it apparently fell by the wayside.

It has always been a matter of contention as to whether a spouse should be gaoled for the nonpayment of maintenance. Quite frequently a divorced person—a woman in most cases—takes the opportunity to sue her divorced husband for maintenance. Quite frequently, the fellow concerned is unable to be found, or he has no money. If he is found and has no money he then spends some time as a guest of Her Majesty the Queen. The provision for that person to be gaoled

seems to serve very little purpose other than to be used as a penalty of vengeance.

I think the Act was amended during our time to provide for a garnishee to be placed on a man's wages. The usual experience was that at the first opportunity he departed from that particular employment and found alternative employment under another name. It is an extremely difficult area where a divorced husband refuses to pay maintenance. The decision is that the particular section of the Married Persons and Children (Summary Relief) Act should be amended.

Mr HARTREY: Section 29B of the Married Persons and Children (Summary Relief) Act reads as follows—

> 29B. (1) Where the court is satisfied that a person has failed to comply with any of his obligations under a recognisance entered into pursuant to this Act it may, on its own motion or on an application by way of complaint by the clerk of the court or by or on behalf of a party to the proceedings in relation to which the recognisance was given, adjudge the recognisance to be forfeited.

Now that may be considered to be fair, or unfair. A man might enter into an agreement which he is quite confident of discharging, but after facing some financial reversal, find that he is not able to meet the commitment. If he goes to gaol he will not receive the benefit of subsections (1) and (2) contained in the schedule.

Subsection (2) of section 29B is even worse, and states—

> (2) Upon adjudging the recognisance to be forfeited the court may—
>
> (a) order the persons bound by the recognisance, whether as principal or surety, to pay the sum for which they are respectively bound and in default to be imprisoned for a term not exceeding six months; and

If a man were to guarantee his son, he could have every faith in his belief that the son was able to discharge a commitment. However, if the son failed to meet his commitment, the father would go to gaol. Therefore, I move an amendment—

> Page 26, lines 8 and 9—Delete the passage "(3) This section does not affect the operation of section 29B." .

Mr O'NEIL: I must oppose this amendment, even on the basis that it was rather hurriedly considered and, certainly, rather hurriedly moved.

As I understand the position, it is intended that there shall be no penalty of being imprisoned for a breach of an order to pay maintenance made by a court. Anyone so imprisoned will be released with the coming into operation of this Act.

In respect of the section of the Act read to us by the member for Boulder-Dundas, the court may do certain things. It does not say that the court shall do certain things.

On the basis on which the amendment was moved, I certainly would not be a party to agreeing to it. However, I will certainly give an undertaking that the remarks of the member for Boulder-Dundas will be brought to the attention of my colleague, the Minister for Justice.

Mr HARTREY: I am sorry to say that the kindly gesture on the part of the Minister is not of great consolation to me. He has courteously said he would refer the matter to somebody else. However, the Minister in another place may reverse that decision.

I do not think we should retain subsection (3) of proposed new section 28A, which preserves section 29B of the Married Persons and Children (Summary Relief) Act, now that we understand its meaning. Not only will it do a possible injustice to a recalcitrant husband, or the bankrupt husband who acted in good faith, but also it may do a gross injustice to a person who took the risk and supplied the bond required in the first place. The person who took the risk would not be able to force the other fellow to pay; he would have to pay himself or go to gaol for a period up to six months.

To say that a court may do certain things does not cover the situation. The Commonwealth Constitution states that it shall be lawful for the Queen to do certain things, but that does not mean to say she shall please herself. To say it is lawful to do certain things, is a way of implying that it would be unlawful not to do such things. That is the courteous way of giving directions to the court.

Where there is a proviso that the court may do a certain thing, the court must have reasons for not doing it. I have seen some rather cantankerous stipendiary magistrates on the bench, and if they get nasty and give a man six months' gaol it will be entirely contrary to subsections (1) and (2) of proposed section 28A. I think it would be unjust and stupid to pass this legislation this afternoon. We should either report progress and seek leave to sit again or throw this out now.

Amendment put and a division taken with the following result—

Ayes—14

Mr Bertram	Mr Hartrey
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr Skidmore
Mr Davies	Mr Taylor
Mr T. D. Evans	Mr A. R. Tonkin
Mr Fletcher	Mr J. T. Tonkin
Mr Harman	Mr Moiler

(Teller)

Noes—20

Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Shalders
Mr Laurance	Mr Sibson
Mr McPharlin	Mr Sodeman
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko

(Teller)

Pairs

Ayes	Noes
Mr Carr	Mr Crane
Mr Bryce	Mr Watt
Mr Jamieson	Mr Stephens
Mr May	Mr P. V. Jones
Mr Bateman	Mr Thompson
Mr H. D. Evans	Dr Dadour

Amendment thus negatived.

Third schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and transmitted to the Council.

PUBLIC SERVICE ARBITRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th October.

MR HARMAN (Maylands) [5.16 p.m.]: Over many years—in fact all the time he has been in this Chamber—the member for Fremantle has maintained excellent liaison between this Parliament and the Civil Service Association. On all the previous occasions when legislation dealing with the Civil Service Association has been under consideration in this House the member for Fremantle has been responsible for ensuring that the association was fully aware of any amendments concerning it. It has been an excellent liaison, and unfortunately it might suffer as a result of the member for Fremantle's retirement next year.

In any event, on this particular occasion the member for Fremantle has continued his liaison with the Civil Service Association. His modesty precludes him from speaking in this debate but he has informed me the association is quite happy with the amendments contained in this Bill, which seek to pave the way for the Public Service Arbitrator to do certain things in respect of agreements. Having received that assurance from the member for Fremantle, the Opposition is quite happy to support this legislation.

MR GRAYDEN (South Perth—Minister for Labour and Industry) [5.17 p.m.]: I thank the Opposition for its support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Second Reading: Budget Debate

Debate resumed from the 29th October.

MR T. D. EVANS (Kalgoorlie) [5.21 p.m.]: When speaking to the Supply Bill at the commencement of this part of this session, I devoted the full time available to me to a discussion on the Paterson Range gold find. I took the opportunity to urge the Minister for Mines to consider this matter very carefully with a view to holding an inquiry. I did this in my belief that when resources of the Crown are alienated, the Crown has a continuing interest, and indeed an obligation, to ensure that equity and justice prevail between the discoverer and those who ultimately exploit the resources.

Subsequent to my speech in the House, the Minister wrote to me and indicated that he believed I should see the various departmental files so that I would be aware of the other side of the issue. As one who believes in natural justice, and who always believes in hearing both sides of an issue, I accepted the Minister's invitation. While I am precluded by tradition from referring to what I read on those files, I am certainly not precluded from indicating that I am more convinced than ever from what I read that the right and proper course to take is to set up an inquiry.

Mr Speaker, I will now seek your guidance, as I wish to read the letter I wrote to the Minister this week, and which he will have received by now. I do not wish to read it for polemical purposes, but to have it recorded.

The SPEAKER: For that special purpose I give leave.

Mr T. D. EVANS: Thank you, Sir. On the 28th October of this year—in other words, two days ago—I wrote to the Minister for Mines as follows—

> Further to my comments when speaking to the Supply Bill in the Legislative Assembly on August 12, 1975, and to my perusal of your Department's files on this subject, pursuant to the invitation extended in

your letter of August 27 last, I am writing to request an open enquiry into matters pertaining to the finding of minerals in the Paterson Range area.

I refer specifically to claims made by Mr. Jean Paul Turcaud against Newmont Mining Company Pty. Ltd.

Whilst I appreciate that the matter is essentially one between the Company concerned and the individual, I believe there are numerous reasons why it is incumbent upon the State to institute an enquiry into Mr. Turcaud's claims, in order to ascertain their validity. Should Mr. Turcaud's claims be proved correct I believe, you, as Minister, should mediate in discussions between the Company concerned and Mr. Turcaud in order that an equitable solution may be arrived at.

It is appreciated that Mr. Turcaud has no legal standing but I do not believe his claim should be dismissed simply because the alleged injustice against him is not covered by statute. It ill-becomes any government to ignore what on the face of it, appears to be a gross miscarriage of moral justice. I believe that the Government is shirking its responsibility to protect the rights of individuals if it does not intervene to ensure that, when resources are alienated from the Crown, those who acquire them, do so, not only according to the letter of the law, but also according to the spirit of natural justice.

There is precedent for government intervention into matters concerning companies and individuals which might be considered "private". Such provisions are contained within existing consumer protection legislation.

In this case, because the transactions involved relate to many thousands of dollars, and because documented evidence is available to show that claims made are not frivolous or vexatious it would be remiss of the government not to intervene. It would have to be acknowledged Mr. Turcaud's problem is unusual and deserves special attention.

I am aware that your predecessor declined to intervene. However, I believe that subsequent events and further information which has come to hand, now justifies government intervention. At the time that a decision was made by the former Minister for Mines in respect of Mr. Turcaud's claims, Mr. Turcaud had not been offered an indenture by Newmont Mining Pty. Ltd.

I am sure you will agree that the indenture offer and subsequent events places the situation in a different perspective.

On January 17, 1973, in a letter to Jean Paul Turcaud, Newmont's solicitors said, with reference to the Paterson Range area, "Our client has instructed us that it does not and never has acknowledged your claim to any interest in the mining tenements held by our client in the area concerned, nor is it prepared to give any consideration to the matters raised in your letter of January 10th, 1973".

On May 21, 1974, Newmont sent Turcaud an indenture which offers the following payments:

$2,000 if the Minister for Mines approves certain claims made by Newmont.

$8,000 if the Company still holds the tenements after 1 year.

$50,000 if the Company starts commercial mining.

It is difficult to understand why Newmont totally rejected Turcaud's claims to any interest in certain areas and then offered him a $60,000 indenture.

I hope to receive an early reply to this letter.

Yours sincerely,

Thank you for your indulgence, Sir. I wished to have the letter contained in the record.

I will now leave this subject, but before doing so, I indicate that if an inquiry is not forthcoming, and if there happens to be a change of Government subsequent to the next election, and I am still here, I will do my utmost to ensure that the new Labor Government holds such an inquiry.

Mr Mensaros: Would it not be more equitable to legislate if that is right? You could introduce a private member's Bill to cover this. Once you start an inquiry in a private matter, you create a precedent.

Mr T. D. EVANS: I said that in my considered opinion an inquiry should be held. This is the only fair way to enable both sides to put their cases, and for a determination as to whether or not the claim is valid. If I were to introduce legislation, I would be saying that I believe Mr Turcaud is in the right. All I am saying is that there is prima facie evidence to justify such an inquiry.

Mr Coyne: That is why a solicitor would not touch it.

Mr T. D. EVANS: If the honourable member had listened to me, he would know that Mr Turcaud has no legal standing, and a solicitor deals only with matters that have legal standing.

I now turn to the goldmining industry of Western Australia. At the present time a cloud hangs over the township of Mt. Magnet, and a large cloud is hovering

over the townships of Kalgoorlie and Boulder.

Both these towns are in the position of having their operating mines under threat of closure, or else the work force maintaining the mines is threatened with drastic reductions. As a matter of fact, the 31st October—tomorrow—was for some weeks regarded as being the deadline when it would be known whether, in Kalgoorlie, some 550 men would be retrenched. During the week this figure from reliable sources was said to have grown to between 700 and 800 men.

As I understand the position—and I am speaking now of the Kalgoorlie situation —the company Kalgoorlie Lake View, in which Western Mining Corporation holds a substantial number of shares, has two operations. One is the Mt. Charlotte operation, and the other operation is the mines which were previously operated by Gold Mines of Kalgoorlie and the company which for many years was known as Lake View and Star Ltd.

It is certainly not clear to me, nor does it appear to be clear to many people, whether Kalgoorlie Lake View in contemplating retrenchments was thinking of restricting its activities in the traditional mines of Fimiston, or whether it would embrace also the Mt. Charlotte operation, or whether retrenchments were to take place solely at the Mt. Charlotte operation. As I understand it, the first figure of 550 men who were confronted with retrenchment was in respect of the Fimiston mining operation; but during the week this number appeared to grow to between 700 and 800. I understand now it is contemplated retrenching men also from the Mt. Charlotte operation.

Mr Coyne: Except that Mt. Charlotte would be able to keep going at present.

Mr T. D. EVANS: I believe that situation could have changed during the week. Mr Brodie-Hall—his present title escapes me, but he was formerly the executive officer for Western Mining Corporation in Western Australia; and he is still a spokesman for Western Mining Corporation, not only in Western Australia, because he is also a giant in the Australian mining world—was in Kalgoorlie last week. He was interviewed by the regional officer of the Australian Broadcasting Commission.

The interview was tape recorded, and the tape went to air last Saturday morning in a programme known as "Goldfields Magazine". Mr Brodie-Hall indicated in the interview that as at December, 1974, the price of gold in terms of United States dollars was around the $147 mark, but in recent weeks that had dropped to between $US110 and $US112. He was asked what bridging finance would be required; and that question was in respect of whether the finance was raised by Western Mining Corporation or Kalgoorlie Lake View, or whether it was by way of assistance from the Australian Government. He said the bridging finance that would be required—and I was astounded to hear this—was between $6 million and $7 million.

It has been brought to my attention during the week, just as it was brought to my attention that the number of persons facing retrenchment could have grown from 550 to between 700 and 800, that the company is reputed to be losing $10 000 a day in maintaining its present work force. I am not one to knock the companies which sustain the townships of Kalgoorlie and Boulder, but it does appear to me that there has been a failure on the part of the various companies, with the exception of North Kalgurli which is not producing gold—there is only one gold producing company at the moment, and that is Kalgoorlie Lake View—to have made proper provision for the gradual replacement of plant and equipment during the times it was possible for them to do so.

This is not the first occasion a member has stood up in this Chamber and spoken of the plight of the goldmining industry. We are all aware that since the early 1930s when the price of gold was $US35 an ounce the companies faced rising costs as each year passed, while the price of gold remained fixed. However, there were occasions when I believe proper provisions could have been made by the companies for the gradual and progressive replacement and upgrading of equipment and plant.

This has not been done and I believe the figure of $6 million or $7 million mentioned by Mr Brodie-Hall has regard not only to the gap between the price of gold now and in December last in terms of sustaining the payment of wages, but has regard also to some improvement in the plant and equipment so that the company concerned may have a hedge against the law of diminishing returns.

There is a law of diminishing returns. If the price of a product drops and the cost of producing that product increases, naturally the law of diminishing returns applies, and the only way to overcome the situation is to increase productivity.

In this case, if the plant and equipment are unable to withstand increased productivity there is trouble. That is the situation confronting the goldmining industry at the present time.

Mr Hartrey: Hear, hear!

Mr T. D. EVANS: Yesterday Western Mining Corporation held its annual general meeting of shareholders in Melbourne. There is perhaps some significance in the fact that the 31st October was the date set as the date on which the fate of Kalgoorlie Lake View would be known, because it is only two days after the annual general meeting. I do not know whether the fate of Hill 50 at Mt. Magnet, in

which Western Mining Corporation also has a great interest, was related to the 31st October. However, that was the date set in respect of the fate of Kalgoorlie and Boulder, and I believe it is significant inasmuch as it is two days after the holding of the annual general meeting of shareholders of Western Mining Corporation in Melbourne.

I was surprised to find that the evening paper yesterday referred to Western Mining Corporation's prospects for uranium mining; it referred in detail to the nickel mining operations of WMC, and to various other interests in which the company is involved; however, no reference was made to goldmining. As a result, today I asked the Minister for Mines if he would endeavour to ascertain from Western Mining Corporation—it would be a public matter because the Press was at the meeting to take notes—whether in fact the goldmining industry was discussed, and whether the corporation's interest in Kalgoorlie Lake View and Hill 50 was to be a continuing one so that these mining operations would continue without retrenchments being necessary.

Unfortunately, the Minister was not able to obtain the information. The answer he gave is as follows—

> The Directors of Kalgoorlie Lake View Pty Ltd and Western Mining Corporation Ltd are examining their position. Kalgoorlie Lake View's application to the Commonwealth Government for assistance has still to be resolved.

Apart from asking questions of the Minister, of course, those members interested in and vitally concerned with the welfare of the goldfields have not been inactive. Constant requests have been made to Australian Government representatives in Canberra. As late as 2.00 p.m. local time today, I was advised of the present situation. Some four months ago the resources committee of, I presume, the Australian Department of Minerals and Energy visited Kalgoorlie.

Mr Hartrey: It was in June.

Mr T. D. EVANS: It was called in to assist the new Minister for Minerals and Energy. This committee met this morning and I am advised through the office of Senator Wriedt, although not by him personally, that the resources committee has recommended assisting the Kalgoorlie Lake View company.

Mr Hartrey: Hear, hear!

Mr T. D. EVANS: However, information relating to the type of assistance recommended is not available to me because it appears that the company concerned has not made available to the Australian Government the full details of the assistance it is seeking.

Sir Charles Court: That is not so.

Mr T. D. EVANS: I am advised that this is the position. Perhaps the Premier could hear what I have to say and comment later.

Sir Charles Court: The company and the State Government have been in constant consultation with the Australian Government.

Mr T. D. EVANS: If the Premier pays me the courtesy of hearing what I have to say, I will invite his comments later. Senator Wriedt today spoke with Mr Brodie-Hall and asked him to hold off any retrenchments for a further two weeks.

Mr Grewar: It is about time!

Mr T. D. EVANS: He also is prepared to meet Mr Brodie-Hall again to discuss the problems of the company. Senator Wriedt requested that Kalgoorlie Lake View inform him exactly what type of assistance it wanted and whether it was seeking the money by way of a loan as a commercial venture.

The Commonwealth also requires to know whether KLV intends to upgrade its plant and equipment with the assistance provided and over what period of time this could be achieved; in addition, it wishes to know the details of any assistance sought from the State Government, and the results of those requests. This is the information which came to me at 2.00 p.m. today.

Sir Charles Court: What a fine thing that is for a Government which has had this matter before it for a long time! The Commonwealth knew a decision must be made tomorrow to retrench the workers, unless the Commonwealth came to the company's aid.

Mr T. D. EVANS: Does it surprise the Premier to know that Mr Brodie-Hall is to go away and collate the additional information and then will have further discussions with Senator Wriedt?

Sir Charles Court: That is fair enough; he has no alternative. But is it not rather odd that with all the pressure the Minister has received from his own side, he should make up his mind on the very eve of the deadline?

Mr T. D. EVANS: It is not surprising at all. If KLV had specifically spelt out what type of assistance, over what period of time, it required, whether it wanted to upgrade its plant and equipment, or whether it wanted bridging finance to pay wages, this further delay would not have been necessary.

Sir Charles Court: The company gave all the alternatives to the previous Minister before he was sacked.

Mr T. D. EVANS: Mr Brodie-Hall has agreed to go away and collate the required information.

Sir Charles Court: Of course he has.

Mr T. D. EVANS: He would not have agreed if the information were not available; but it should have been provided in the first place.

I should like to refer to another matter which obviously will upset the State Government; however, I will not baulk at that. I believe the time has come when new mining legislation must be considered. I do not know what will be the fate of the present Bill, but the time will come when we must face up to the question of whether we need new mining legislation or should continue with the existing Act in an upgraded form. Although it is immaterial, my preference is for the latter course of action.

In considering new mining legislation, we must learn from the mistakes which have been made in the goldmining industry in the past, particularly over the last 70 years. This industry has been subjected to dips and dives, rumour and traumatic experience for those involved in it and dependent on it for their livelihood; namely, the work force and the commercial interests. There appears to have been no co-ordination of and continuing interest in this industry by the Government through its Mines Department. I am not whitewashing previous Labor Governments when I say that; I am blaming all Governments.

In the past, when leases have been granted to various companies, apart from collecting rentals and appointing inspectors of mines to ensure the provisions of the Mines Regulation Act were observed, the Government appears to have wiped its hands of the mining industry.

Provision should be made in our mining legislation for the appointment of a board of reference—a rose by any other name would smell as sweet; call it what you will—which should be composed of highly trained and competent officials of the Mines Department who are familiar with the operations of the mines concerned; representatives of the trade unions whose members are dependent for their livelihood on the mining industry; and, in addition, a commercial representative from the town concerned. The local Chamber of Commerce should be represented on such a committee.

When a policy decision is about to be made, the company concerned should be required to apprise that board of reference of the situation, well and truly before the threat is imminent, and before risks arise. At the same time, members of this board should meet frequently with representatives of the various companies in order to avoid situations which have occurred in the past where companies which were in a position to do so have failed gradually to replace plant and equipment. Such a board of reference would be able to ask why these steps were not being taken.

As a result of the establishment of such a board of reference, I believe the long-term interests of all concerned in the mining industry of Western Australia would be protected and we would get away from the emotional trauma which so concerns the industry and which history reveals has confronted the industry several times in the last 70 years.

It is time we learnt from our mistakes. Perhaps this is not the correct way; I am not claiming to be another Solomon. If members opposite can come up with something better, I would endorse it.

Mr Coyne: The way to overcome the problems is to create a favourable climate for investment, and that is what the present Federal Government has failed to do.

Mr T. D. EVANS: Members opposite are the first to object to the Federal Government encroaching on their field of responsibility. For example, in the Government's Mining Bill, which has drifted from two's to twenty's and is now on the bottom of the notice paper, clause 119 is an insult to the Australian Government. Members opposite are asking the Commonwealth for assistance, while in clause 119 of their own Bill they are telling the Commonwealth to jump in the lake.

Sir Charles Court: This speech is a very hollow one. You know the history of the goldmining industry and the great difficulties it had.

Mr T. D. EVANS: Yes, and I believe we should take steps to avoid making such mistakes in the future.

Sir Charles Court: There was nothing any Government could do other than to wait for the situation to improve; it was during quite extensive periods of Labor Government that those problems existed, and those Governments did not do a thing.

Mr T. D. EVANS: I agree; I am not trying to whitewash a Labor Government, or blame a Liberal Government. I believe that is all in the past; we cannot cry over spilt milk but should profit from our mistakes and frame our policies for the future accordingly.

Sir Charles Court: During that period, if we had conducted a so-called cost-benefit analysis of the type Canberra believes in, we would have shut the place down.

Mr Coyne: Unless we get investment we will never get prosperity in an industry.

Mr T. D. EVANS: I am glad the goldmining industry has such a lot of advisers in this place; it is a pity we have not heard a lot more from them in the past.

Sir Charles Court: I can tell you that the State Government has been right alongside the company, ready and willing to help it overcome the present crisis. But the main thing is that assistance must come from the Commonwealth.

Mr J. T. Tonkin: Has the State Government made a decision on what it will do?

Sir Charles Court: We are quite prepared to go a long way to helping on this, but we have to get the answer from the major contributor.

Mr J. T. Tonkin: Be specific.

Mr T. D. EVANS: I would like to take the Premier up on this matter. About four months ago there was a threat that some 300 men were to be retrenched. A meeting was held and both Mr Brodie-Hall and myself were present. At the meeting it was agreed that an approach would be made to the Commonwealth Government and also to the State Government, having regard to the fact that, in 1971, because the mines then operating were told that they probably would have to close after a period of 12 or 18 months, Mr Brodie-Hall approached the Tonkin Government with the proposal that the Chamber of Mines desired to introduce a pay severance scheme. The Chamber of Mines also intended that an approach should be made to the then Commonwealth Gorton Government as well as the State Government and it stated that the Chamber of Mines itself would contribute. This approach was made to the State Government and we agreed to the proposal on that basis; that is, that we would certainly contribute the cost of one-third of a pay severance scheme. Mr Brodie-Hall told us, however, that the Commonwealth Gorton Liberal Government would not have a bar of that scheme.

A further approach was made by Mr Brodie-Hall to the State Government asking whether it would agree to a similar scheme on a 50-50 basis between the Chamber of Mines and the State Government. An agreement was reached and we contributed some $300 000 to the Chamber of Mines. However, at the time the pay severance scheme was due to get under way, some dramatic changes occurred on the world market and that scheme did not come into being. In view of the fact that an agreement was arrived at on the basis that some thousands of dollars would be made available—I think the sum was $100 000—pending a decision by the Australian Government, was that money ever made available?

Sir Charles Court: It was made available to the company, but it did not call on it. It was there just like your money was lying there. The State Government did not hold back at all.

Mr T. D. EVANS: The company did not call for it?

Sir Charles Court: No.

Mr T. D. EVANS: I did intend to speak on other subjects, but time does not permit me to be as diverse as I would like to be. In the circumstances I conclude by placing the greatest possible emphasis on the present plight of the goldmining industry. I am certainly glad to hear from the Premier that the State Government will render any assistance that can be offered, devoid of politics, if possible.

Again, I make an earnest plea to the Minister to give some consideration to the Government being required, under the Mining Act, to have a continuing interest and a continuing obligation in mining leases, once they are granted. This is in the interests of those whose livelihood and businesses depend on the continuance of the industry without fear of retrenchments and the goldmines being under threat, every now and again, of having to close, as our 70-year history of the goldmining industry has shown.

Debate adjourned, on motion by Mr Sodeman.

House adjourned at 5.55 p.m.

Legislative Council

Tuesday, the 4th November, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (3): WITHOUT NOTICE

1. TOWN PLANNING

Stephenson Avenue

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Minister for Urban Development and Town Planning:

Further to my question of the 30th October, 1975, requesting deletion of portion of Stephenson Avenue from the Metropolitan Region Scheme—

(1) Is the Minister aware of his powers under section 25 of the Metropolitan Region Town Planning Scheme Act?

(2) Would the Minister now agree that the immediate step he may take is the making of an order requiring the authority to take whatever action is necessary to achieve the requested amendment to the scheme?

(3) If the Minister so agrees, would he also make an order requiring recommendation of an alternative route for this important regional link to Fremantle as requested in my earlier question?