

would be nowhere near the amount that is required to bring new migrants into this country. We seem to be satisfied with having to pay \$4,000 to bring a migrant into Australia. I contend a certain amount of the money being used for that purpose should be expended on rehabilitating displaced farmers.

Mr. Logan thinks there will be a big run on rural reconstruction loans next year, and I agree. I recommend to farmers, who have been able to get through this year, that they make application early for their next year's needs. Most farmers did get through last year through normal channels of finance, but many of these will not have the money available for the coming year; so I urge farmers to get their applications in early.

I would like to compliment the economists who have investigated these applications. They have spent long and dedicated hours in this work on rural reconstruction, for they take the work very seriously and appreciate the grave difficulty of the applicants.

I conclude by saying that this Bill will not make agriculture profitable; far from it, but at least it will alleviate some part of the poverty and misery associated with farming today. I am sure that those who remain in the industry are endeavouring to diversify into more profitable fields, and are not just expecting to be carried by the rest of Australia. I repeat that I do not consider "all is lost down on the farm."

Debate adjourned, on motion by The Hon. C. R. Abbey.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.55 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 5th October.
Question put and passed.

House adjourned at 5.56 p.m.

Legislative Assembly

Thursday, the 23rd September, 1971

The **SPEAKER** (Mr. Toms) took the Chair at 11.00 a.m., and read prayers.

ELECTRICITY SUPPLIES

Strike: Urgency Motion

THE SPEAKER (Mr. Toms): This morning I received a letter from the Leader of the Country Party (The Hon. C. D. Nalder), the member for Katanning, seeking a motion of urgency. Before I put this question to the House it is my intention to read Standing Orders 48 and 49

which deal with motions of urgency, because there are a number of new members and I would not like them to be ignorant of the particular Standing Orders involved.

Standing Order 48 reads as follows:—

A Motion "That the House do now adjourn" for the purpose of debating some matter of urgency, can only be made after Petitions have been presented and Notices of Motions given, and before the business of the day is proceeded with; but only the matter in respect of which such Motion is made can be debated, and not more than one such Motion may be made upon the same day.

Standing Order 49 reads as follows:—

A Member wishing to move "That the House do now adjourn" under Standing Order 48, shall first submit a written statement of the subject proposed to be discussed to the Speaker.

It is also my intention to refer to the motion which the Leader of the Country Party proposes to move. Had it not been for the fact that the House is not sitting next week, I might not have considered this matter to be one of urgency; but as the House will not be sitting next week and the position could deteriorate in the interim, I consider this to be a matter of urgency.

The letter from the Leader of the Country Party reads as follows:—

I desire to seek your approval to move when the Legislative Assembly meets at 11 a.m. today for the adjournment of the House as a matter of urgency for the purpose of discussing the following:—

- (1) The strike situation within the S.E.C.
- (2) The public emergency that has arisen because of the strike and particularly the statement by the Secretary of the Trades and Labour Council, Mr. J. W. Coleman, that even emergency services will not be manned, and
- (3) Action that can be taken to either terminate the strike or minimize the impact of it.

Are there seven members who support the motion?

Seven members having risen in their places,

MR. NALDER (Katanning) [11.06 a.m.]: I move—

That the House do now adjourn. My purpose in moving the motion is to enable discussion to take place on a matter of urgency, as has been outlined by you, Mr. Speaker, and as indicated in my letter. I appreciate the points that you have raised in reference to the motion.

As the House will not be sitting next week it is possible that the existing situation will deteriorate, but let us hope that will not be the case. I consider the position to be so serious that the House should discuss it, because of the inconvenience that will be caused to so many people — not only those in the metropolitan area, but those who are served by the electricity system operated by the State Electricity Commission.

Mr. Graham: Do you think that speeches in this House will assist the position?

Mr. NALDER: I am hoping some member of the Government will be able to assure the House that the strike will be short-lived and will not inconvenience the public.

Mr. Graham: Whether or not the Minister gives that assurance, do you think speeches in this House will assist the situation?

Mr. Court: I believe so.

The SPEAKER: This is an urgency motion, and I hope it is treated in that way.

Mr. NALDER: I would like to trace briefly the history of events leading up to the strike. In the first available edition of today's issue of *The West Australian*, which members were able to see at approximately 10.15 last night, there was no indication that a strike by a section of the employees of the State Electricity Commission would take place. At about 11.10 last night I happened to turn on the news from the A.B.C., and reference was made to an imminent strike which would take place from 10.00 a.m. today.

The front page of this morning's issue of *The West Australian* carries a report under the heading of "S.E.C. men strike today; wide cuts." The report reads—

State Electricity Commission workers will begin a strike this morning that is expected to cause severe power restrictions in Perth and the southern part of the State.

About 1,400 men—some are key workers in the S.E.C.'s five power houses—will stop at 10 a.m. and plan to stay out indefinitely unless their pay demands are met.

As I have said, a great deal of inconvenience and embarrassment has been caused to businesses and to the commercial section of this State, as well as to the domestic users of electricity.

Soon after 9.00 a.m. today I was informed that part of the metropolitan area has been blacked out, and that some of the traffic lights are not operating. I shall therefore endeavour to deal with the emergency situation which has developed, and in respect of which an approach has been made by a section of the exhibitors

at the Royal Show. This involves a person who has been informed that his property has been placed under quarantine and his stock cannot be brought to the Royal Show for exhibition.

The stock must be in the pens by 11.00 a.m. today or the exhibitor will not be able to include his stock. I could not get in touch with the Royal Showgrounds because that area was already affected and no power was available. Consequently I could not communicate with the officials. However, eventually I was able to contact them and it is hoped that this person, whose property is 60 miles from Perth, will be able to have his stock included by special permission. This is only part of the inconvenience being experienced in the State, but particularly in the metropolitan area, as a result of the strike.

What is even more inconvenient and alarming is that the Secretary of the Trades and Labor Council (Mr. Coleman) has indicated that not even emergency services will be manned. I do not recall another instance in the history of the State when emergency services have not been manned. Even during the longest strike in the State when not only the State Electricity Commission was involved but also other instrumentalities, those concerned undertook to man emergency services.

Mr. May: Is it a true statement that they will not be manned?

Mr. NALDER: If it is not, someone opposite can inform us.

Mr. May: You are moving the motion; you should have checked it out.

Mr. NALDER: I checked it as far as I am able to do so.

Mr. Jamieson: He has not even given us a correct reading—

Mr. NALDER: It is up to the Minister—

Mr. May: You moved the motion.

Mr. Jamieson: It is not even a correct reading—

Mr. NALDER: It is up to the Minister to indicate the position. I am going by the facts in the report.

Mr. Gayfer: Everything else in the paper is correct.

Mr. Jamieson: It is not even a correct reading of the statement in the paper. That is how bad it is.

Mr. NALDER: The paper reports that the men will not man the emergency services.

Mr. Jamieson: You said they would not be provided. The paper goes on to say that others would man them.

Mr. NALDER: Let the Minister prove this.

Mr. Court: Let the Minister tell us what he is doing about it.

Mr. Jamieson: What would you do about it?

Mr. NALDER: We have moved this motion because we want the facts and the public is entitled to them. No-one in this House would deny that.

Mr. Fletcher: Have you noticed that the lights are on here?

Mr. Court: If you ring the R.A.S. you will find nothing but chaos exists down there.

The SPEAKER: Order! The Leader of the Country Party will continue.

Mr. May: Ring the hospitals, not the R.A.S.

Mr. NALDER: If the Minister tells us this is not correct, then I am sure the public at least will be satisfied and much happier. If the Minister can tell us that while the strike continues at least emergency services will be provided, the public will be much happier.

Some action is necessary in an endeavour to terminate the strike. On a previous occasion when a strike was held by State Electricity Commission wages employees, the Government indicated that the Minister for Electricity and the Minister for Labour were making every effort towards reaching a decision which would allow the men to go back to work. In this present situation the two Ministers should vacate their places in this House and make an all-out effort to have the strike averted, or at least ensure that it does not proceed for any length of time.

Mr. May: How come your Government never interceded, but left the Industrial Commission to decide?

Mr. NALDER: It has already been stated—

Mr. May: Your Government never interceded. It left the matter to the Industrial Commission.

Mr. NALDER: —that the present Government feels it has the answer to the situation. Therefore I suggest to the two Ministers involved that they take the same action—

Mr. Jamieson: How are we involved?

Mr. NALDER: —as was taken on the previous occasion.

Mr. Jamieson: Your statement was wrong again. There were not two Ministers.

Mr. NALDER: I do not mind, as long as—

Mr. Jamieson: Not one of the statements you have made this morning has been right.

Mr. NALDER: —the Minister will get up and tell us about it.

Mr. Jamieson: I will, too.

Mr. Jones: He still has the sleep in his eyes.

Mr. NALDER: It is because we want the information that the motion has been submitted.

Mr. Jamieson: Did a cow tread on you this morning?

Mr. NALDER: Every effort should be made to minimise the effect of the strike and bring it to a conclusion as quickly as possible. Already the Deputy Leader of the Opposition has indicated there is chaos at the Royal Showgrounds. The Royal Agricultural Society must plan from year to year in order to ensure its programme is ready for the smooth running of the society's activities, but it is facing nothing but chaos; and I believe everything should be done to bring this situation to a satisfactory conclusion as quickly as possible in order to minimise the inconvenience which is being experienced by so many.

Mr. May: And, in particular, the R.A.S.

Mr. NALDER: Not that society in particular. That is only one.

Mr. Court: One of the many.

Mr. NALDER: For this reason I submit my motion.

Mr. O'Neil: Is not anyone over there going to speak?

Mr. Jamieson: We want to hear a bit more about the problem.

Several members interjected.

MR. O'NEIL (East Melville) [11.17 a.m.]: It appears this Government has suddenly been struck dumb.

Mr. May: Have you a story to tell or not? Several members interjected.

The SPEAKER: Order! The honourable member will resume his seat. I have treated this matter this morning as an urgency motion and I trust it will be debated in that spirit. There is no need for too many interjections across the Chamber because we should be able to discuss this in an orderly manner.

Mr. Court: That is what we had hoped.

Mr. O'NEIL: I trust I will abide by your suggestion, Sir, because this is a matter of extreme urgency. In the House last night at about 10.00 o'clock the Leaders of the Government and the Opposition received copies of the country edition of *The West Australian*. I cannot recall exactly what was on the front page, but certainly no reference was to be found concerning this lightning strike. I am given to understand that at about 11.00 or 11.10 p.m. the decision was made to withdraw labour from the State Electricity Commission. This was patently obvious from the article on the front page of today's issue of *The West Australian*.

This is an extremely inopportune time for such a decision to be made. As I understand it, on a previous occasion when some industrial difficulties arose in the State Electricity Commission both the Minister for Labour and the Minister for Electricity, whilst not being personally involved, took every opportunity to gather the warring parties together in an effort to have some compromise reached under which the power supplies to the city and, of course, the country, could be maintained until a satisfactory solution could be found to the dispute.

Mr. Jamieson: Who referred it to those two Ministers?

Mr. O'NEIL: I am not sure, but as I understand the situation both Ministers were very active in trying to persuade the disagreeing parties to negotiate. On that occasion the main problem was essentially an inter-union matter between two unions associated with work in the commission. I think generally such matters are termed demarcation issues, or something like that.

Be that as it may, it appeared the intervention—if that is the right word—of the two Ministers concerned did minimise the effect of the strike.

Mr. Jamieson: Are you sure there were two Ministers?

Mr. O'NEIL: I am not certain.

Mr. Jamieson: I thought you might not be.

Mr. O'NEIL: I am giving the Government credit for having taken some urgent action on the previous occasion in order to minimise the effect of an industrial dispute. If the Minister for Electricity wants to take all the credit to himself and not share it with another ministerial colleague—

Mr. Taylor: He would not do that. He knows there were three involved.

Mr. O'NEIL: I take it three Ministers were involved.

Mr. Jamieson: That shows just how well informed the Opposition is.

The SPEAKER: Order!

Mr. O'NEIL: I would like to say again—in fear of being criticised for tedious repetition—I am giving credit to the present Government for at least taking some urgent action. How many Ministers were involved is simply by the way. Certainly, some serious consequences of that strike were at least minimised and, to a degree, averted. The Government now has another opportunity to take some action.

I am not saying that action has not been taken but it was noticeable that nobody from the front bench on the Gov-

ernment side of the House submitted himself to you, Mr. Speaker, for permission to speak on this issue. It was left to me to carry on with the debate.

My first knowledge of the stoppage came from reading *The West Australian* this morning, and I then listened to a number of announcements on the commercial radio stations. I was particularly concerned with the statement that there could be no guarantee that emergency services would be maintained. I do not know how true the statement is because it was an announcement, but I believe this is the matter of major concern.

I cannot recall an occasion in the past when some provision has not been made for emergency services to operate within the State Electricity Commission during an industrial dispute. When we think of emergency services we include hospitals, water supplies, sewerage services, and the like. I suppose one could include traffic lights in that category.

As I understand the situation we have had little time to find out what is happening, and that is what we would like the Government to tell us. So far as the administration of the State Electricity Commission is concerned, it will endeavour to maintain power in the suburbs on the basis of one hour on and one hour off. It will also endeavour to maintain power throughout the city block, if that is possible, for the full period of the disturbance. However, I want to point out that there is no guarantee.

It may well be that certain staff members of the State Electricity Commission can maintain the operation of the generators, but if the maintenance staff—who, I think, are mainly members of the Amalgamated Society of Engineers—decide to join those on strike there is no guarantee that the generators will be capable of operating efficiently. I understand some 1,000 members of the A.S.E. are involved in S.E.C. power operations, mainly on the maintenance side. As far as I am aware those men have not joined those who are demanding an increase of \$24 a week. They accepted an offer of something in the nature of \$4 a week. Once again I am only talking from my brief knowledge of the situation gained from reading the newspapers. However, if I am wrong in my understanding I feel certain the Government will straighten out the points I have mentioned.

I want to make an issue of the domestic position in which we could find ourselves. The motion we are now discussing—that the House do now adjourn—is traditionally an urgency motion and it is usually moved to enable a matter of urgency to be brought to the notice of the Government when no other facility is available. It could well be if this had been an ordinary sitting day, with the House meeting

at 4.30 p.m., questions could have been asked concerning the situation. However, questions are usually taken at some convenient time after 2.15 p.m. on Thursdays and it is possible that that time would have been too late for any statement to be made.

Getting back to the domestic position, as far as we know the city block will be supplied with power throughout the stoppage, if that is practicable. However, there is no guarantee. If the power supply to Parliament House is cut off we will be in some difficulty. Normally in the summer months this Chamber is quite well illuminated by natural light, but on a day such as today, when the sky is overcast, we will have to use matches and torches. You, Mr. Speaker, will have extreme difficulty trying to see which member is on his feet. However, that is by the way.

It is also important that communications by telephone would be interrupted because I understand the switchboard relies on the S.E.C. for its base power. There is no emergency supply. Another inconvenience is that the lifts would not operate and I would hate to be caught in a lift while the Clerks were wandering around the building ringing hand bells and calling for a quorum or a division. The public address system, and the bells system which warns members to be in their places, will fail.

Mr. Court: I will have to have a word with the Premier to arrange pairs in such an emergency.

Mr. O'NEIL: Two main meals are served in this building during the day, and most of the kitchen equipment is electrical.

Mr. Bickerton: The member for East Melville seems to be more worried about these matters than he is about the rest of the community.

Mr. O'NEIL: No, I have already covered the aspects of inconvenience to the community. I am trying to point out from the domestic side that if the power supply to this building is discontinued we cannot continue. As I have said, I understand that the S.E.C. is trying to prevent power cuts in the city block.

Mr. Bickerton: How much would the community suffer as a result of that?

Mr. O'NEIL: The community will not suffer, but the Government is already grizzling about the delay in getting legislation through the House.

Mr. Bickerton: I was wondering how serious the honourable member was in his regard for the welfare of the community and how serious he was to make political capital out of the present situation.

Mr. O'NEIL: We are concerned with overcoming the stoppage at the State Electricity Commission. I have already given the

Government credit for taking some action on a previous occasion when there was a partial stoppage. We want to know what is being done now.

Some interjections seemed to ridicule the concern of the Royal Agricultural Society. Surely it has been recognised that the Royal Show, which is due to open tomorrow, is the window of the State for both industry and agricultural products. I understand no emergency power supply is available to the R.A.S. Whilst not particularly concerned with those people on the R.A.S. committee itself, it is in the interests of all the people of this State that the show should proceed. We are not particularly concerned with the financial aspect, if that is what members opposite are worried about. The Royal Agricultural Society Show is a feature event of the year for the whole of the State and surely, even with that in view something ought to be done.

It seems to me that many of these lightning strikes are very well timed from the point of view of the trade union movement—very well timed indeed. Here is a strike timed to commence on the eve of the opening of the R.A.S. Show and as far as we know it will continue during the period of the show. Surely the strike will create most inconvenience to the general public of the State during the period of the show.

We are serious about this matter. We would be willing to join with the Government in any action it can take to mitigate the effects of the strike. We consider this is a matter of urgency and there is provision under Standing Orders for us to bring the matter to the attention of the Government in the form of an urgency motion. If the various Ministers desire to become involved again we can give them an assurance that pairs will be granted to enable them to enter into negotiations in order to help alleviate the situation.

MR. TAYLOR (Cockburn—Minister for Labour) [11.30 a.m.]: Having now read the motion thoroughly and heard most of the comments of the Leader of the Country Party and the member for Melville—

Mr. O'Neil: East Melville.

Mr. TAYLOR: Correction—East Melville.

Mr. O'Neil: Melville is quite different.

Mr. TAYLOR: It is now clear as to the reasons for requesting this urgency motion. Perhaps it is fair for Parliament to have some information as to what has transpired with regard to this particular industrial dispute.

Mr. O'Neil: Hear, hear!

Mr. TAYLOR: Perhaps the best way to begin is to give some historical background. The particular matter of wage determination with S.E.C. unions has been with the S.E.C. for about four to six weeks. The S.E.C. and the unions concerned were unable to get together to begin discussions,

very largely because the S.E.C. felt it should deal with individual unions and the unions felt that, because a number were involved, one voice speaking for all would be better.

This impasse moved to a logical point where an Industrial Commissioner (Mr. Kelly) became involved and called the parties together to discuss their problems before him. As late as Monday or Tuesday of this week, as I understand it—and the member for East Melville has made this point—the S.E.C. made an offer to the combined unions. I also understand the Industrial Commissioner made the point that the unions should look at this offer and both parties return to him for further discussions.

I believe the newspaper article is correct in that the offer was accepted by one union of workers but rejected by the balance. At a meeting last night the bulk of unions decided the offer of \$4 was most unsatisfactory and that they would take action.

This matter came to the notice of the Minister for Electricity and myself about 10.30 last night. That is the historical background. So far as the Government is concerned, until we reached our offices this morning we had the same information as everybody else—information obtained from the newspaper.

However at this point I can say that the Industrial Commissioner has called a compulsory conference for 12 noon today—in 25 minutes' time. The unions and the S.E.C. have been called to meet before the Industrial Commissioner at 12 noon. The unions are to have another meeting of their men at 2.00 p.m. today—two hours after the compulsory conference.

In other words, I, as Minister for Labour, and the Minister for Electricity are therefore *au fait* with what is going on, although at this moment we really only know of the industrial threat mentioned in the newspaper this morning.

The situation is that the dispute is in its right place; it is before the Industrial Commission which has been set up for this very purpose. I think members may agree that it would not be wise or right for the Government to intervene at a time when it is possible for a matter such as the present disputation to be ironed out by proper authority.

I appreciate some of the remarks made by the member for East Melville. I think he was very fair and gave a factual dissertation, except in one area which I will mention in a moment. As I understand it, he was not suggesting that the Government should involve itself unless it felt it was strictly necessary. At this point of time we do not think it is strictly necessary. The Government knows what is going on and believes that the dispute has

gone to the right quarter—as I have said, a meeting of the parties concerned will take place in less than 25 minutes' time.

Subsequent to that move and to the meeting of the unions, the Government will know whether it has to involve itself. There will be no hesitation on our part if this is necessary. We have done this in the past. To suggest that the matter may be beyond us is not a correct statement.

In speaking to this motion I mention, incidentally, that I am covering only the industrial situation and not the likely consequences of power cuts, which is beyond my province; I am dealing with the matter as it falls within my portfolio.

In replying to the member for East Melville the only comment I make is that I think he spoilt quite a good speech by suggesting that, in picking this particular time to go on strike, the unions' timing could have been deliberate. The member for East Melville has had many years' experience in industrial matters and I suggest he has not seen this sort of disputation occur in this way. Such disputations inevitably occur spontaneously. There may be some tub-thumping and saying that certain things will happen. To put it to the Press in this way is one way of having a grievance noted. However to suggest it has been planned for some specific time would I think be completely wrong.

I have indicated to the House the Government is aware of the situation; the problem is being looked at; and that urgent action is being taken. I have also indicated that if the matter deteriorates the Government will do what it can as a Government.

DR. DADOUR (Subiaco) [11.35 a.m.]: I wish to indicate the difficulties that will be experienced if emergency services are not maintained, especially to hospitals. I refer particularly to the King Edward Memorial Hospital which has an emergency power plant, but one which caters only for the labour ward. Unfortunately it is unable to supply power to the nursery—to the isolettes for premature babes. When the power in this area has gone off in the past it has caused a great deal of concern.

I would like some guarantee that emergency services will be made available to hospitals, particularly to those which do not have emergency plant sufficient to take over the vital areas. If this guarantee is not forthcoming, vital areas of hospitals will not be able to keep going. Would this be the action of responsible people? I cannot understand those who call lightning strikes and do not give some guarantee that emergency services will be maintained. I sincerely hope the unions involved come around and give us that much, if no more. The Minister for

Health would be involved in this. I see he is not in the House at the moment, which is unfortunate, but I emphasise the great concern I feel.

I do not blame one side more than the other—I cannot—but this action leaves some doubt in my mind as to the responsibility of the people causing the strike, if in fact they carry out the strike without guaranteeing that emergency services will be maintained.

MR. JAMIESON (Belmont—Minister for Electricity) [11.38 a.m.]: As this matter comes within my department doubtless members expect me to say something. This, in fact, is always my intention if I feel we are faced with a great problem. At this moment we do not know whether it is or not.

The honourable member who moved the motion did so in three parts. The third part deals with action that can be taken either to terminate the strike or to minimise the impact of it. Yet, he never gave as much as one suggestion as to how this could be done.

Mr. Nalder: Yes I did. The Minister could not have been listening.

Mr. JAMIESON: I repeat; not one suggestion. He went all around the world trying to rely on his memory as to what Cabinet committees had done in the past. The member for Katanning, as well as the member for East Melville, clearly indicated that a Cabinet subcommittee of two had dealt with this type of problem whereas in fact it was a subcommittee of three Ministers. The member for Katanning was grasping in the dark for something to say in consequence of this morning's incident.

This problem has come upon us fairly suddenly, as my colleague indicated a short while ago. Indeed, the first indication I had was a note from the Press gallery last night asking me to comment on the strike. I said, "What strike?" From then on I became a little better informed.

Mr. O'Connor: You were in the dark?

Mr. JAMIESON: The Press told me that the decision to strike had been taken 10 minutes previously. I am not clairvoyant and I simply did not know.

The Premier and I were in consultation at 9.00 a.m. this morning with Mr. Parker, the Chairman of the S.E.C., and others. Amongst other matters we discussed this problem. At this juncture it would appear, as the Minister for Labour has indicated, that the matter is reasonably in hand.

The information that was made available to Mr. Gillies last night was this: Mr. Bainbridge, the Secretary of the Federated Engine Drivers and Firemen's Union—one of the unions involved—rang at 10.30 last night and informed him that the men had decided

to stop work at 10.00 a.m. today, Thursday, the 23rd September. He said the men would man one machine at each power station. Whatever is reported in the paper about what Mr. Coleman was or was not alleged to have said, that was the communication received by the S.E.C., and as far as I am able to ascertain it is being carried out.

Mr. Nalder: Do they intend to man emergency stations?

Mr. JAMIESON: That is clear. The communication was that they would man one machine, which provides more than emergency power. It allows about 50 per cent. power production.

Mr. Nalder: That assurance will satisfy many people.

Mr. JAMIESON: That was made very clear in the indication given in the first place. These wild-cat strikes are unfortunate but they come upon us in the sphere of electricity supplies, which is probably more susceptible to them. It is a field of supply that can be cut down quicker than others. We have been relatively free of this sort of thing; there has been no continuation of it. In the Eastern States, particularly in Victoria, there seems to be a strike every other week, Royal Show or no Royal Show. That State is in constant turmoil and has not been able to overcome the situation.

However, I am sure when the parties meet the commissioner they will come to some suitable decision. We must allow the normal procedures to take place before we fire any shots or dig anybody in the ribs. Very often that only causes additional damage.

In the Press release Mr. Gillies made a statement that is worth repeating. He said—

The State Electricity Commission estimates that only half the commission's generating capacity will be available from now.

That is, this morning. The release continues—

All consumers are requested to observe the utmost economy in the use of electricity. This means switching off air conditioning units window and display lighting advertising signs, electric hot water services and reducing lighting to the minimum. In this way it will be possible to maintain sufficient power for essential services.

I do not know who issued instructions to cut off all the power in the Public Works Department building, but 12 flights of stairs are a bit much. The release continues—

There will be switching in all areas on an hour-off hour-on basis. This will continue throughout the period of the stoppage. It is hoped that the power supplies to the city centre will be maintained.

Providing full co-operation is received it might be possible to reduce the hour-off period for some districts and increase the hour-on period. This is entirely dependent on the extent of the assistance provided by the public.

The commission will endeavour to keep all essential services supplied such as water and sewerage pumping, and major hospitals.

Consumers are urgently requested to switch off all appliances except one light if their area is affected. This light will come on when power returns. If this is not done it may not be possible to switch power back into an affected area.

Gas supplies will not be affected at this stage.

The present situation is part of a long-standing skirmish between the unions and the S.E.C. on this issue. No doubt something occurred at the meeting last night to cause a flare-up so they took the bit between their teeth and decided not to work today.

The Minister for Labour and I had a consultation with the Secretary of the Trades and Labor Council only two days ago, almost exactly at this time of day, and at that stage there was no indication that anything like this would happen. It will be seen that the situation is rather surprising to everyone concerned in the matter.

I do not think we will get anywhere by taking action at the moment other than to ensure that emergency stations will be manned—which, from information available to me, appears to be assured at this stage. That is all we need to worry about at the present time until the commissioner has had his compulsory conference with the parties. As a matter of fact, it would be quite wrong to take the matter out of his hands, a dispute having occurred and the provisions of the Industrial Arbitration Act being as they are. I think it is now our responsibility to ensure the parties have the services of the commissioner in order to come up with a final recommendation.

Mr. Court: Before you sit down, could you clarify the relationship between the findings of the committee you set up and this dispute?

Mr. JAMIESON: There is no relationship in any way, shape, or form whatsoever. The other matter involved some semi-professional officers who were in an entirely different category and there is no suggestion of a relationship. As a matter of fact, the people who were involved in that dispute are the very people who are manning the stations at this time.

Mr. Court: Is the M.O.A. not involved in today's dispute?

Mr. JAMIESON: No—not in any way, shape, or form.

Mr. Court: Are you sure of that?

Mr. JAMIESON: Yes. The M.O.A. has nothing to do with it. Of course, the M.O.A. has no standing here as yet. What happens in the future in regard to the M.O.A. is a matter for that association and the court, but it is certainly not involved in any way, shape, or form in today's strike, which concerns wages staff at depots and other places and has been simmering for some time.

I think it is probably desirable to place the matter before the commissioner and have it ironed out so that everybody can go back to work on a basis which will enable us to consider the problems and the suggestions in regard to pay increases. I see no purpose in doing anything other than ensuring that emergency supplies will be available. Everything that can be done by the commission is being done, and everything that can be done by the Ministry itself to terminate this strike as soon as possible will be done.

Suffice it to say that only recently the newspapers have made us aware that very few man-hours have been lost because of disruptions and strikes in both Western Australia and South Australia in the last year or so. I hope this good record can be maintained.

MR. BICKERTON (Pilbara) [11.48 a.m.]: I think the technical side of this urgency motion has been covered quite adequately by both Ministers who have spoken on it. I only rise to make a brief remark—mainly to query the sincerity of the Opposition in moving the motion.

Urgency motions in Parliament cannot be regarded as being common but they do come up from time to time. In this instance it would be interesting to know whether any members of the Opposition—the Leader of the Opposition, the Deputy Leader of the Opposition, or the Leader of the Country Party—contacted the Premier to find out how they could assist in overcoming this problem or to inquire from him what the situation was. Personally, I doubt that they did. I think they preferred to make a political issue of it.

Mr. Jamieson: They did not even telephone the Minister to inform him of the intention to move the motion.

Mr. BICKERTON: I think that is the answer. Strikes are not nice at any time. They occur from time to time and are very difficult to overcome in some circumstances, but it does sound rather hollow when the Opposition—which is so concerned about the community generally, the Royal Show, emergency services, and so on—does not even in the first instance go out of its way to obtain the details of the matter before making a political issue of it in the House of Assembly.

Mr. W. A. Manning: Don't you think it is an emergency?

Mr. BICKERTON: I think it probably is a very serious emergency; any strike is.

Mr. Nalder: And the public should be told.

Mr. BICKERTON: I do not think the member for Narrogin would be so naive as to believe that this motion is not brought forward as a political stunt.

Mr. Nalder: Listen to who is talking.

Mr. BICKERTON: This is a political stunt. The information could have been obtained from both Ministers without the use of this urgency motion.

Mr. Nalder: The public now knows.

Mr. BICKERTON: The point is that we are entitled to use the urgency motion under Standing Orders, and it should be used in the interests of the State—not as a political gimmick.

MR. FLETCHER (Fremantle) [11.52 a.m.]: As a previous employee of the State Electricity Commission, I feel I am justified in stating what I consider to be reasonably informed comment. I came straight from the South Fremantle power station to this address.

The Leader of the Country Party raised this matter on an urgency basis—I do not consider there is any urgency at the moment. He bases his case on sensationalism indulged in by the Press. The Press has stated what Mr. Jim Coleman, Secretary of the Trades and Labor Council, is alleged to have said.

Mr. Nalder: You have an opportunity to correct that.

Mr. FLETCHER: I point out that the lights are on here at this address, and this presupposes that they are on in various other localities throughout the metropolitan area. If the lights were out here, it could have been assumed they were out elsewhere. The Royal Perth Hospital has its own plant and equipment to cope with an emergency such as this, and so have other hospitals to my own personal knowledge.

A similar situation arose whilst I was employed at the South Fremantle power station. However, there is always a skeleton staff to man plant and equipment to cater for such a situation. To hear members of the Opposition speak one would think that sewage would be running into the streets as a consequence of the inhuman behaviour of the S.E.C. employees. The S.E.C. employees are sincere enough and have the integrity to ensure that that situation does not arise. They will ensure that sufficient power is available for such and other priorities.

Mr. Lewis: Mr. Coleman did not think so.

Mr. FLETCHER: What nonsense is suggested from the opposite side of the House! The Press stated what Mr. Coleman is alleged to have said, but publicity has been given to the fact that there will be at least one unit operating at each station to maintain emergency power.

The Leader of the Country Party made reference to the fact that a few sheep could not be shifted from point A to point B. What a terrible tragedy that would be!

Mr. Nalder: I did not say anything of the sort.

Mr. FLETCHER: Well, some stock would not be taken to the Royal Show.

Mr. Nalder: It was a matter of communications—communication was cut as a result of the strike.

Mr. FLETCHER: That does not justify your urgency motion.

Mr. Nalder: That is according to you.

Mr. FLETCHER: I point out that when this issue originally flared up no industrial allowance was paid to S.E.C. employees in this State—no industrial allowance and no service grant. There are certain other emoluments not paid now that are paid in the Eastern States.

The SPEAKER: Has the honourable member a copy of this urgency motion?

Mr. FLETCHER: No, I have not.

The SPEAKER: You seem to be drifting away from it a bit, that is all.

Mr. Nalder: Mercifully saved by the Speaker!

Mr. FLETCHER: I am pointing out that in my opinion there is no public urgency, and up to this time I thought I had applied my energies to the point that, as a consequence, the motion is not justified. The Press made reference to what Mr. Coleman has said but I have pointed out that emergency services will be manned, including sewage pumps.

Mr. Gayfer: If there is no emergency, why are they being manned?

Mr. FLETCHER: I have attempted to point out the disparity between our rates and those in the Eastern States, and it is this disparity which has created the situation. The Leader of the Country Party has uncovered nothing more than a mare's nest. This motion highlights the bankruptcy of ideas of Opposition members.

Mr. W. A. Manning: We will all be bankrupt if this keeps going.

Mr. FLETCHER: All sorts of extravagant ideas were raised last night in regard to daylight saving when there is already a Bill in another place. As I say, members of the Opposition are grasping for ideas.

A point was raised that an emergency existed because this House could not function if there were no power. Do members think the community would care a great deal if Parliament did not function? Would it be the end of the world if this House could not function today?

Mr. Nalder: It is an inconvenience to the public and the public should know the facts.

Mr. FLETCHER: Both Ministers have made statements to this House justifying the comment that there is no existing emergency. There will be a compulsory conference at noon today and a union meeting at 2.00 p.m. The situation may be cleared up at those meetings. However, Opposition members make a magnanimous gesture and say they will come to our aid in this "difficult" situation! The State is in very capable hands at this particular moment; the situation is being capably dealt with by the existing Government.

Let me point out to members opposite that the Press has recently drawn attention to the fact there has been less industrial strife during our term of office than there was during the term of office of the previous Government.

Mr. Court: I would not talk about that one for too long if I were you.

The SPEAKER: Would the honourable member please resume his seat for a moment. As members have had indicated to them, this matter could be dealt with by the court at 12 noon. I am of the opinion that it could now be *sub judice* and I wish to draw members' attention to this point.

Mr. FLETCHER: As I have almost a minute to go before the noon deadline, I would like to say that this urgency motion is totally unjustified.

MR. JONES (Colle) [12 noon]: Mr. Speaker—

The SPEAKER: I merely direct the attention of the House to the fact that at midday this debate will possibly cease. I intended to give the Leader of the Country Party an opportunity to make a move. I do not want to gag the debate, but neither do I want the House to be in a position where it is defying the law.

Mr. JONES: Mr. Speaker, I would like to make a statement on behalf of Mr. Coleman, the Secretary of the Trades and Labor Council. He has given me certain information and I seek your permission to supply that information before the debate concludes.

The SPEAKER: I do not think I can allow that.

Mr. Court: He can speak on the motion and do it that way.

Mr. JONES: I think it is only fair to make this statement in view of the statements which have been attributed to the Trades and Labor Council.

The SPEAKER: Just make the statement.

Mr. JONES: I would like to inform the House that the statement attributed to the Secretary of the Trades and Labor Council in *The West Australian* newspaper this morning is totally incorrect. I have been advised by Mr. Coleman that he did not make the statement and that arrangements have been made for at least one unit in each power station to be kept operating to meet emergency and special demands. Mr. Coleman has asked me to inform Parliament that the workers are cognisant of the situation and that the wages employees of the engineering section within the State Electricity Commission are co-operating to see that emergency electricity supplies are maintained.

Mr. Fletcher: That vindicates my comment.

MR. COURT (Nedlands—Deputy Leader of the Opposition) [12.02 p.m.]: Mr. Speaker—

The SPEAKER: I hope this will not take too long because the matter is before the court at present.

Mr. COURT: I am conscious of the point you raise, Mr. Speaker; but, with respect, I suggest that if the matter is *sub judice* at all—which I do not think it is—it was *sub judice* before the court commenced. We are in an extraordinary situation if this Parliament cannot debate a matter of urgency.

The SPEAKER: I was given the information that the court is to sit this morning only a short time ago.

Mr. COURT: Am I entitled to continue, Mr. Speaker?

The SPEAKER: Yes.

Mr. COURT: The Deputy Premier raised the question at the start of this debate as to whether speeches made in this place would influence the situation. I say quite categorically that they can because I believe that if this House expresses its concern on this particular emergency raised by the Leader of the Country Party it strengthens the Government's hand. We are not dealing with an ordinary situation. It is not a case of somebody not laying a few bricks for a few hours or something of that nature which does not directly affect the whole of the public; we are dealing with an emergency situation which concerns the whole of the populace in a deep and important way.

The action that has been taken is not an isolated case in Australia, and it is not isolated in its impact upon the people. A pattern is developing throughout Australia—and this is only part of that pattern—in which attacks have been made on certain essential services which are crucial to the life of the nation. It may be that the Government might have to take emergency legislative action if this matter is not resolved today; and, from my understanding of it, the reason for the motion being moved in three parts is to indicate from this side of the House that if the Government does have to take emergency steps it can expect the support of the Opposition if it has to make a move which is in the interests of the public, and if we have to achieve a situation whereby some special legislative action is necessary.

Mr. Jamieson: We would only have to have one foot in the bog, and you would push in the other foot.

Mr. COURT: We know the attitude of the Minister for Electricity to this particular matter, and we know the attitude of the member for Fremantle. We expected the member for Fremantle to get up and defend the strikers. But the fact is that we are dealing with an emergency situation and I believe the Leader of the Country Party was very restrained in putting his case, and so was every speaker from this side of the House.

The Minister for Labour has explained the situation so far as he is concerned and has endeavoured to give a recital of the events. The Minister for Electricity has endeavoured to provide a brief summary of the situation within the commission itself. However, I am afraid I cannot share the views of the Minister for Labour when he said that the fact that this happens to be Royal Show Week is coincidental. I believe it is part of the overall pattern, because if we—

The SPEAKER: I think the honourable member is getting a little away from the subject.

Mr. COURT: I am trying to highlight the fact that this is an emergency far beyond that expected by the Government. We have to relate this to the matters of transport, general communications, and telecommunications which have been imperilled during the last few days, throughout the whole of Australia, and particularly during the last few hours. Therefore, it is important that the Government, the people, and the strikers know that the Parliament feels concerned about the action which has been taken.

We have now had an assurance from the member for Collie that the statement attributed to Mr. Coleman in this morning's Press is incorrect.

Mr. W. A. Manning: Totally incorrect.

Mr. COURT: According to the report in this morning's Press Mr. Coleman said—

"It is a complete walkout.

"There will be no power unless staff people man the power stations. Even then it is certain that there will be big blackouts.

"The men will not man emergency services. They will not work any shifts."

I take it that the whole of that statement by Mr. Coleman is now being challenged on his behalf by the member for Collie.

Mr. Taylor: As I understand it, the last statement is totally incorrect.

Mr. COURT: That argument is between Mr. Coleman and the Press. I accept the assurance of the member for Collie that those words are incorrect. However, it does seem passing strange that a man who was a member of a Government committee which was dealing with another part of the industrial problem within the S.E.C. and whose report was, I believe, accepted by the Government and passed on to the S.E.C. with the recommendation that it should be adopted, should now be the key figure in this particular issue.

Mr. Jones: It is a different issue.

Mr. Jamieson: He is employed by the Trades and Labor Council.

Mr. COURT: It is near enough to the same position. Also, if one is to take the report as being correct, it would seem that new demands are now being made on the S.E.C.

Mr. Taylor: These are not involved in this strike.

Mr. Jamieson: You have your strikes mixed up.

Mr. COURT: Members opposite are deliberately trying to confuse the situation.

Mr. Jamieson: We do not need to confuse you.

Mr. COURT: I have been in this place too long to be confused about what is going on on the other side. Whenever there is a certain amount of giggling and guffawing on the other side it is the result of concern, apprehension, and confusion.

Mr. J. T. Tonkin. We used to notice that when you were over here.

The SPEAKER: Order! This debate has been on a reasonably decent level so far. I hope to keep it that way.

Mr. COURT: I had explained that the gentleman concerned was involved as a member of a committee set up by the Government to deal with a particular matter. The Minister for Electricity has assured us that the people concerned then are not involved in today's issue; but the

man who was a member of the committee I mentioned is the spokesman for today's strikers. Members opposite cannot deny that.

Mr. Jamieson: It is a different situation.

Mr. COURT: It is the same commission, although a different group of workers might be involved.

Mr. Taylor: He is the spokesman for all workers.

Mr. COURT: He is not the spokesman for the A.S.E., for which the members of that body are duly grateful. I want to make the point that the Government should not have been caught by surprise in regard to this issue because the Government knows that trouble has been simmering for a long time, quite apart from the blow-up of the M.O.A. issue. At that time the Premier and the Minister for Electricity came into the matter and appeared on television. They went over quite well, and they earned themselves a few good marks. They used the phrase, "This is industrial blackmail." That was very refreshing, coming from Labor Ministers, and we all agreed with them.

The Minister for Electricity has tried to indicate that that dispute has nothing to do with the present situation, but if my information is correct it has quite a deal to do with it because much of the ferment has been coming from that area.

We as a Parliament cannot stand idly by and ignore what is going on. I think this motion has served to express the concern of the Parliament—or, at least, to express the concern of members of the Opposition—and has conveyed to the Government that the Opposition is not only concerned, but is also prepared to take any sensible action it can to minimise the effects of the strike or, preferably, to terminate it.

I was hoping the Minister for Electricity would indicate to us under part (c) of the letter to the Speaker just what was planned if, so be, the meetings today are abortive; if it happens that at 12 noon a certain proposition is worked out and then rejected by the workers at 2.00 o'clock. Because I think this is the real crux of the situation, and I accept the information that has been given by the Government that all the statutory procedures have been followed expeditiously for the convening of this conference with the workers this afternoon, we are entitled to know, in view of the public significance of this matter, what will be the Government's action if and when there is a series of abortive meetings.

Mr. Jamieson: You never telegraph your punches; you are too old a fighter for that.

Mr. COURT: It is not a bad idea to indicate to the public and to the workers what the Government proposes to do if the

strikers defy public convenience in this matter. A member on the other side of the House—I think it was the member for Fremantle—ridiculed the comments of the Leader of the Country Party on the effect the strike will have on the Royal Agricultural Society. I do not ridicule those comments whatsoever, because next week the Royal Show is the focal point of the State's secondary and primary industries.

I have some information at hand given to me only half an hour ago which I intend to put before the House to indicate the serious position that exists at the Royal Showgrounds at the present time. First of all, there is no water for the washing down of stock because the pumps are not operating. There is no electricity on the ground to operate the cooking facilities for catering, and there is no lighting in the pavilion. That does not matter to any great extent; it is more a matter of inconvenience. There is no method of ground communication to control the huge crowd and the vehicles that are used on the ground, which has an area of over 70 acres. There is no communication for conducting all the events; that is, there is no electricity to work the public address system around the ground. That, too, I suppose, is not of great importance, but it is a matter of public inconvenience during an event that is held once a year. Further, the public are also subjected to a number of other inconveniences on the ground, but again I do not treat them as being a great public crisis.

I am more concerned about matters such as hygiene and the safety of crowds than I am about a financial situation, although this is a matter of concern to the Royal Agricultural Society. I strongly support the move by the Leader of the Country Party to highlight this motion and I sincerely hope that as a result of this debate not only is the Government made aware that it has to take firm action in the matter, but also that the debate will indicate to the public and the Parliament that this kind of strike is happening not only in this State but also throughout Australia in the field of essential services and communications. It is something that is part of carefully planned disruptive industrial action.

Adjournment of Debate

Mr. W. A. MANNING: Mr. Speaker, as the two Ministers have indicated that the matter may be solved by 2.00 p.m., may I move that the debate be adjourned until 3.00 p.m.?

The SPEAKER: No, you cannot move to adjourn the debate on an urgency motion.

Debate (on motion) Resumed

MR. NALDER (Katanning) [12.13 p.m.] : Mr. Speaker, am I allowed to comment on what has been said?

The **SPEAKER**: No; there is no right of reply on an urgency motion.

MR. NALDER: Very well. I think the motion has achieved its objective and I ask leave to withdraw it.

Motion, by leave, withdrawn.

BILLS (3): INTRODUCTION AND FIRST READING

1. Marketing of Linseed Act Amendment Bill.

2. Stock (Brands and Movement) Act Amendment Bill.

Bills introduced, on motions by Mr. H. D. Evans (Minister for Agriculture), and read a first time.

3. Zoological Gardens Bill.

Bill introduced, on motion by Mr. H. D. Evans (Minister for Lands), and read a first time.

LEGISLATIVE ASSEMBLY

Use of Hand Bells

THE SPEAKER (Mr. Toms): Before we start on the Orders of the Day, the member for East Melville has mentioned to me that if the power happened to go off during the day there could be trouble with the ringing of the bells in the event of a division. I therefore warn all members to keep as close to the Chamber as they possibly can, because the bells will be rung by hand and they are not always easy to hear.

I advise the Whips accordingly to contact any of their party members who may be outside the Chamber at present.

SUITORS' FUND ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Treasurer), and transmitted to the Council.

PAY-ROLL TAX ASSESSMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Norton) in the Chair; Mr. T. D. Evans (Treasurer) in charge of the Bill.

The amendment made by the Council was as follows:—

Clause 18, page 22, line 35—Add after the word "tax", thirdly appearing, the words "and his reasons for such assessment".

MR. T. D. EVANS: Legislative Council's message No. 18 refers to an amendment made in another place to clause 18. Members will recall that an amendment was

sought and obtained by the member for Wembley in this Chamber to require the commissioner, when he makes an assessment, to set out his calculation. In the first instance the member for Wembley sought an amendment to require the commissioner to give his reasons for the assessment, but at my request he did not proceed with the latter part of his amendment. The Legislative Council seeks the concurrence of this Chamber to its amendment, and I see no objection to it. I move—

That the amendment made by the Council be agreed to.

MR. COURT: Only one minor amendment is involved, and I do not wish to make any comment on it beyond expressing satisfaction at its adoption. In view of the fact that this is the only matter to be dealt with under the Council's message, I wonder whether the Minister is able to confirm what I understand was an undertaking given by the Minister in another place to the effect that the Government will give serious consideration to some form of graduated exemption table, and also to our proposition about the giving of incentives for decentralisation?

The **CHAIRMAN**: I do not think that has anything to do with the amendment of the Council.

MR. T. D. EVANS: I can confirm the undertaking given by the Leader of the Government in another place.

Question put and passed; the Council's amendment agreed to.

Report

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

VERMIN ACT AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Norton) in the Chair; Mr. T. D. Evans (Treasurer) in charge of the Bill.

The amendment made by the Council was as follows:—

Clause 2, page 3—Add a new subsection (1c) as follows:—

(1c) The provisions of subsections (1a) and (1b) of this section do not apply so as to affect the liability of a person to pay the rate in respect of any holding for a financial year unless the rate so payable has been assessed and paid prior to the coming into operation of the Vermin Act Amendment Act, 1971.

Mr. T. D. EVANS: The purpose of the amendment is to ensure that any person who has not paid the tax will incur no liability for the payment of it, as a result of this measure becoming law. At the same time it will protect the revenue position of the Government where the tax has been paid. I move—

That the amendment made by the Council be agreed to.

Mr. MENSAROS: I thank the Treasurer for his acceptance of the amendment made by the Council. Members will recall that during the second reading debate, although no amendment was specifically moved in this Chamber, the attitude of members on this side was the same as that expressed in the Council's amendment. In other words, it ensures that people who knew the law better than others, and who were perfectly within their rights in not paying a tax which was illegally assessed, will not have to pay the tax. Since this concurs with the principles and thoughts we on this side have expressed, we support the amendment.

Question put and passed; the Council's amendment agreed to.

Report

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

NOXIOUS WEEDS ACT AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Norton) in the Chair; Mr. T. D. Evans (Treasurer) in charge of the Bill.

The amendment made by the Council was as follows:—

Clause 2, page 2—Add a new subsection (2b) as follows:—

(2b) The provisions of subsection (2a) of this section do not apply so as to affect the liability of a person to pay the weed rate in respect of any holding for a year unless the weed rate so payable has been assessed and paid prior to the coming into operation of the Noxious Weeds Act Amendment Act, 1971.

Mr. T. D. EVANS: Members will recall that when this Bill and the bill with which we have just dealt were before the Chamber, it was indicated that the rating procedures of the Vermin Act applied also to the Noxious Weeds Act; therefore, the purport of the amendment before us is similar to the amendment made by the Council to the Vermin Act Amendment Bill. I move—

That the amendment made by the Council be agreed to.

Mr. MENSAROS: In line with what the Minister has said I want to indicate that the Opposition concurs.

Question put and passed; the Council's amendment agreed to.

Report

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

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Norton) in the Chair; Mr. T. D. Evans (Treasurer) in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1.

Page 3—Insert after the section number 34C the subsection designation "(1)".

No. 2.

Page 3—Add to proposed new section 34C a new subsection as follows—

(2) When the Governor makes an order pursuant to subsection (2) of section forty-eight of the Mental Health Act, 1962, that a person be returned to strict custody the provisions of this Act again apply to that person.

Mr. T. D. EVANS: I move—

That amendment No. 1 made by the Council be agreed to. This is purely a machinery amendment to give effect to the practical operation of the second amendment sought.

Question put and passed; the Council's amendment agreed to.

Mr. T. D. EVANS: I move—

That amendment No. 2 made by the Council be agreed to.

Members will recall that the member for Floreat took an active interest in this clause which the Council desires to amend. At that time the Attorney-General indicated that he believed the objection raised by the member for Floreat and some of his colleagues was valid, but that the remedy was best sought by an amendment to the Mental Health Act. Accordingly a Bill was drafted and has been read a first time.

However, this amendment made in another place will effectively remedy the situation and the Government is prepared to accept it. Consequently we will not now proceed with the amendment to the Mental Health Act.

Mr. MENSAROS: This amendment is, in fact, identical with the one I moved in this Chamber. There was no difference of opinion between the Attorney-General and me regarding the amendment. He wished to remedy the situation by amending the Mental Health Act. However, I believe that the correct procedure is being followed under this amendment, and I accept the Minister's assurance that we will not proceed with the amendment to the Mental Health Act.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

ALUMINA REFINERY (UPPER SWAN) AGREEMENT BILL

In Committee

The Chairman of Committees (Mr. Norton) in the Chair; Mr. Graham (Minister for Industrial Development and Decentralisation) in charge of the Bill.

The CHAIRMAN: It is my intention to allow members to discuss the various clauses in the schedule. I trust they will not indulge in any tedious repetition, but cut their speeches as short as possible because there are over 60 clauses to be dealt with. I would ask members to indicate the numbers of the clauses in the schedule to which they wish to speak so that I can deal with them in groups to save time.

Clause 1 put and passed.

Clause 2: Execution of Agreement authorized—

Point of Order

Mr. COURT: It is my understanding that schedules to Bills cannot be amended. This has been accepted for many years when dealing with agreements for ratification. In other words, if the agreement has been signed, we accept the agreement in its entirety or we reject it.

I presume this will be the case with this Bill; that is, that although the agreement has not been executed, it is not competent for this Chamber to amend it. It must be accepted or rejected. Can I have a ruling on this point?

Chairman's Ruling

The CHAIRMAN: The following is to be found on page 552 of Erskine May's *Parliamentary Practice*:—

(2) Bills to confirm agreements.—

When a bill is introduced to give effect to an agreement or to confirm a scheme and the agreement or scheme is scheduled to the bill as a completed document, amendments cannot be made to the schedule, but an amendment to the clauses of the bill for the purpose of withholding legislative

effect from the document contained in the schedule is in order, as are also amendments to those clauses which deal with matters not determined by the document contained in the schedule.

I rule this is not a completed agreement because it has no signatures.

Mr. COURT: I am rather confused having listened to what you read and what you said. Do I take it the Committee can amend this schedule?

The CHAIRMAN: I believe it can. It is not a completed document.

Committee Resumed

Clause put and passed.

Clause 3 put and passed.

Schedule—

Clause 1 of the schedule: Definitions—

Mr. COURT: I hope the Minister in charge of the Bill will be a little more conciliatory today than he was yesterday because he certainly alienated a lot of support for his project. I have no intention of making a pseudo second reading speech, but I make the point if we are to consider this agreement in a reasonable way we have to have co-operation from the Government. The Opposition has the right to obtain information.

I was wondering whether the Minister could give us, very briefly, some explanation of the provisions of the "associated company" definition. This clause provides for the 20 per cent. factor. In the Alwest agreement we changed it to 25 per cent. There is a definite difference; in one case a company was involved and in this case joint venturers are involved. It appears that in this definition of "associated company" some words seem to be at variance with those contained in the previous agreement.

It seems that it would be possible for one of the joint venturers to opt out of its interest in the project and leave a very small—in fact, almost nil—Australian commitment in the venture without having to seek the permission of the Minister. If it is an "associated company" within the meaning of the definition then, of course, it does not have to get the approval of the Minister. Paragraph (i), on page 4 of the Bill, reads as follows:—

(i) is promoted by the Joint Venturers or any of them for all or any of the purposes . . .

The significant words are "all or any of." If this is followed to its logical conclusion the situation could arise where there was a complete change in the ratio of ownership without the approval of the Minister. I am not pressing the point beyond seeking information, firstly, why it is 20 per cent. as against 25 per cent. in the Alwest agreement and, secondly, whether the Minister has considered the prospect I have mentioned.

An unpredictable situation would exist if somebody decided to quit his interest to overseas people. I would be the last one to say we should put a ban on overseas investment; the Committee knows my views on that. However, we have always endeavoured to keep some control—at least some Government association—with any decisions made in respect of this type of agreement.

Mr. GRAHAM: I am afraid I do not have the particulars relating to the point raised by the Deputy Leader of the Opposition, but I trust he will accept from me that I will look into this matter and supply the necessary information before the third reading.

Mr. RUSHTON: I seek an explanation from the Minister relating to private land. Could the Minister indicate the clause on which I could raise this issue?

Mr. COURT: With respect to the Minister, and to you, Mr. Chairman, I suggest that clause 8 would be the appropriate clause.

Clause put and passed.

Clauses 2 to 5 of the schedule put and passed.

Clause 6 of the schedule: Joint Venturers to Submit Proposals—

Mr. RUSHTON: Subclause (6) on page 12, in part, reads as follows:—

... the Minister will not require any alterations to or impose any conditions on the proposals or new proposals insofar as they relate to the technical aspects of the Joint Venturers' plant for the crushing washing and screening of ore or of the refinery.

The Minister has some rights within the clause, but no rights in certain circumstances. Would the Minister explain the position?

Sitting suspended from 12.47 to 2.15 p.m.

Mr. GRAHAM: If I correctly understand the question raised by the member for Dale, I am sure he will find the answer in clause 6 (1) (a) (iv) on page 10 of the Bill, about half-way down that page. There are certain requirements on the part of the company to set out in detail proposals in respect of certain matters. The company will submit them to the Minister for his approval. Port site storage, handling, and loading facilities are mentioned, and I think this covers the point raised by the honourable member.

Mr. COURT: I refer specifically to clause 6 (1) (a) (viii) which reads—

regional development, including any projects likely to make an impact on adjacent communities;

As I said earlier, I hope we can consider the Bill in Committee in a different atmosphere from the way we considered it last night. Some of us have made our

position very clear so far as the industrial development side is concerned. It is unfortunate that this particular industry has got itself involved in the most controversial industrial situation, related to environmental protection, of any measure I know.

Mr. Graham: I do not think you can blame the company for that.

Mr. COURT: No. It is a fact of life for two reasons. The first is political and the second is that nowadays there is a group of people who take an entirely different attitude towards environmental protection from the attitude taken a few years ago.

I have expressed myself on this subject and I thought the Minister would have been more understanding in his handling of the situation last evening, because I endeavoured to deal with the measure in two parts; namely, the environmental considerations that have developed and, secondly, the Bill itself.

Had the Deputy Premier studied my speech—which I presume he has not from the comments he made last night—he would realise I put forward some information and ideas which would be helpful to him in trying to sell the industrial side, as distinct from the environmental side.

The particular matter before us has been brought very forcibly to my notice and, if I raise the issue now, it will give the Deputy Premier a chance to debunk the very strong claims—if they can be debunked—that the establishment of a refinery in this area will mean the development of an industrial complex, as distinct from one industry on its own.

Mr. J. T. Tonkin: Doesn't that depend on the Government's decisions?

Mr. COURT: I am merely trying to explain the situation that has developed and the representations made to me, because of the inclusion of these words. Perhaps the Deputy Premier can explain them. I know it will be the decision of the Government of the day whether this becomes an industrial complex or merely the home of one industry, company, or refinery, call it what one will.

The fact that these words have been included here has been interpreted by people who are concerned about the possible development of a fifth corridor as an indication that the Minister will be assuming development of a complex of industries in this location, as distinct from the refinery.

In all frankness I think I should say that I cannot envisage a refinery being established in a location like that without some other industries being established around it—such as industries to service the proposed refinery. Let me explain what I mean. If we put an industry of this magnitude into an area which is removed by many miles from the nearest industrial

establishment, it follows, as night follows day, there will be a community around it and there will be people to service that industry. For example, small engineering industries will develop around the major industry.

So far as they relate to the refinery, I personally would not object to this because to my mind we must expect it to happen. It is economic. The amount of small engineering work required by a large industry is quite amazing and, in fact, some industries have developed entirely on the servicing of major industries. Particular materials are used. Members can imagine the amount of petroleum products used in the region would increase with the establishment of the industry, because so many workmen would have to come every day and most would use transport of one form or another. Therefore, a group of industries would develop around the major industry.

I believe this is a chance for the Minister to explain to the Chamber his ideas of what will be developed in the area and whether he—or the Government—has made a decision as to whether this will be the only industry. It is a chance for him to clear up doubts in my mind and in the minds of the public. If, on the other hand, he believes there will be a logical expansion as a result of the refinery, I think it would be much better for all concerned for him to say so now. Members know what happens. The industry would go to an area with certain understandings or misunderstandings. Then the development begins to take place and there is another buildup.

If the Minister is emphatic that the area will only be for the refinery and industries that are inseparable from it, and that assurance is given, I think it will be accepted by many people and will be the complete answer to those who say this will be a little Kwinana—I think that is the phrase that is used. I would like the Minister to comment on this part of the clause.

Mr. GRAHAM: It has never been in the Government's mind that anything other than the refinery would be established in this locality and no consideration whatsoever has been given to such a proposition. This is one of the furphies which, unfortunately, have been going around—that this project is to be the commencement of another concentrated industrial area. Those who circulate the story have been saying, "If the power and water supplies are made available, obviously advantage will be taken of those facilities to establish other industries; otherwise, the Government would not be spending money." If anyone who is so adept at conjuring up these ideas would take the trouble to read the agreement he would see the installation of the reticulation service and water supplies, generally, is the financial responsibility of the company. The Government is therefore not affected.

Whether in due course other industries will be attached to the refinery or ancillary to it, or whether there will be an industrial complex, has never been considered by the Government. It would surely be a matter for the Government of the day to have some regard for many factors in making a decision. In my view, there is no necessity whatsoever for any additional industries in the locality.

After all, the industrial complexes at Midland and Bassendean are not very far removed from the area. New industrial areas will commence in the direction of Beechboro. At Pinjarra there is a buffer zone of some 12,000 acres belonging to the Alcoa refinery, and it seems there will be no industries associated with or serving that refinery in close proximity to the refinery itself.

It is possible to speculate about all sorts of things that might happen but there is no plan, intention, or conception, and no consideration whatsoever has been given to them. If in the course of time somebody wants to establish other industries in the locality, the Government—whether it be this one or some other Government—will make the determination, no doubt taking every aspect into account, from town planning to environmental protection, and so on. I wish everybody—that is, members of this Parliament and the public at large—to know there is no suggestion whatsoever of any other enterprise being established in the locality. Indeed, no consideration has even been given to allowing housing settlements in the area. No decisions have been made and no decisions are in contemplation.

Mr. COURT: I do not think the Minister has gone quite far enough to allay the fears of people who believe this will be the beginning of a complex. I hoped he would be more categorical about what the Government is thinking.

Mr. Graham: How could I have been more emphatic than I was?

Mr. COURT: When one is on the listening end one gets the slightly different impression that the Minister was hedging himself around with all sorts of options which he could use at a future time.

Mr. J. T. Tonkin: They could not commit future Governments.

Mr. COURT: I have made my position clear. The Minister made a categorical statement, as far as he was concerned, that there was no intention on the part of the Government to establish a small or large industrial complex in the area.

I now come to paragraph (b) of sub-clause (1). Last night the Minister was quite derogatory towards me in his remarks about the financial and economic viability of a project. It is appropriate to comment on this point in dealing with this clause because the clause has been

incorporated in the agreement for a very special reason. It is one of the great strengths of the agreements that when the companies submit their proposals the Government of the day has a responsibility and an opportunity to assess the economic viability of the proposals. When a project is first negotiated—and the Premier mentioned Amax—the Government of the day takes a quick preliminary look at it to assess the economic viability of it as it appears at that time, but the crunch comes when the company submits its proposals and has to demonstrate two things—(1) that it has the sales contracts; and (2) that it has the financial backing to make the project economically viable.

Some people shrug their shoulders and say, "If someone wants to commit \$100,000,000 or \$200,000,000, what is that to us?" But Governments have a responsibility in these matters because if projects get off the ground and are not viable it is only a matter of time before the companies come back to the Government—that old character who is referred to as "the Government," whom no-one has defined—asking what it will do about it.

Mr. J. T. Tonkin: Did you do all this exploration with regard to Robe River?

Mr. COURT: Yes. I guessed the Premier would ask me that. All the viability studies were submitted to us progressively as costs and circumstances changed.

Mr. J. T. Tonkin: Was it apparent to you at the time that the project would need more iron ore to be viable?

Mr. COURT: The project is viable within the terms of the contracts that were initially negotiated, but if a long, continuing project is required—one that will continue for 100 years—then, of course, greater reserves are needed. As I had some commercial and financial knowledge of these things, it was part of my business to assess that project in that way. Whether that is to be the technique of the present Government is for the Government to decide; but, for my part, I did not want to become involved in anything like this—particularly after earlier experience with one or two projects—in which the Government could virtually be put over a barrel by reaching a certain point and not being able to see its way through to the end as far as finance and viability are concerned.

I raise the point merely to answer the comments made by the Minister last night and I hope that, on reflection, he will appreciate that this power is in the agreement for a definite purpose. It is not a question of saying, "If the company is silly enough to lose its money, that is its own business." It is very much a part of the business of the Government to ensure that the project is viable when it is finally approved.

Mr. GRAHAM: I think I should point out that there is no necessity for the things of which the Deputy Leader of the Opposition speaks until the company submits its plan of development to carry this project into effect. Exactly the same formula will be applied—and probably by exactly the same officers who undertook this responsibility in respect of several other agreements for which the Deputy Leader of the Opposition was responsible when he was the Minister. I pointed out last night that a great deal of the capital and the markets will depend upon this agreement being adopted by the State as a prerequisite. It is impossible to carry out full negotiations unless there is a negotiable document. In due course—by the 30th September next year or, perchance, sooner—the company will submit all of the details in respect of the project. These will be properly assessed by the responsible officers and the Government will then make its decision.

I expressed the opinion last night, and I stand by it still, that the company would hardly be likely to spend \$2,500,000, and would hardly be likely to press the Government to obtain the sanction of Parliament to this agreement, unless it felt, firstly, that it could lay its hands on the necessary financial resources and, secondly, having done that be able to proceed with a viable investment.

Mr. COURT: I wish only to comment that I have served my purpose. The Minister has acknowledged the significance of the clause, quite contrary to what he said last night.

Clause put and passed.

Clause 7 of the schedule put and passed.

Clause 8 of the schedule: Mineral Lease—

Mr. RUSHTON: I wish to direct the attention of the Minister to two points. I relate this clause to private ownership and the effect of bauxite mining on privately-owned land. The Minister will remember that recently we have had amendments to the Mining Act which gave the owner certain rights. My question is: Will the same conditions apply to the person who has cleared land and has fruit trees or stock on it? Will the Minister elaborate on the protection the individual will receive if he does not wish to become involved in the mining venture?

My second point is that the local authority has certain rights or authority in regard to excavation within its area. I refer to a community such as Roleystone. If individuals in that area wish to enter into an agreement with a mining company to mine, say, two acres of land in the middle of Roleystone, the natural environment and aesthetics might be destroyed. Will the local authority have the right to preclude certain of these activities?

Mr. J. T. Tonkin: Are you not tilting at windmills a little?

Mr. RUSHTON: I am not raising my voice. I am quietly asking whether the Minister will give me a clear understanding on these issues.

Mr. GRAHAM: Frankly, I cannot see the point because these are rural lands which are privately owned. The mineral is also privately owned and the Crown has no claim whatsoever on the land. The land must be restored to the satisfaction of the Minister, the Conservator of Forests, and the landowner, depending on the particular sphere in which it is. However, the land will be restored; in other words, there will be no detriment whatsoever to private property.

Mr. Rushton: My query is in relation to those people who elect not to have their land mined. Do they have that right?

Mr. GRAHAM: There is no suggestion of confiscation.

Mr. Rushton: My other point relates to local authorities. Do they still retain their rights?

Mr. GRAHAM: I think Parliament is making the determination here. The whole spirit and essence of the exercise will be friendly co-operation. I think it is evident to members that the Alcoa company has an intense desire to co-operate with local authorities even to the point of naming the township for which it is responsible. This has been the experience in respect of all the major mining ventures in Western Australia. There is no conflict whatsoever and there is no need for conflict, particularly when we remember that this exercise is a matter of removing merely a few feet—perhaps 10 to 20 feet—of topsoil, removing the bauxite, then replacing the topsoil and replanting it with grass or some other vegetation.

Mr. RUSHTON: The Minister's answer does not satisfy me in regard to the local authority. The local authority has certain obligations and rights. It is not good enough to say we will have a happy state of affairs. I feel sure that negotiations will take place, but when it comes to the hard bargaining surely one needs to have a clear understanding. Will the situation which applies in respect of a local authority at present apply in the case of this legislation? Many alternative clauses are included in this agreement and all sorts of rights are granted this way and that way—we hope to the ultimate protection of the people. I am attempting merely to obtain a statement from the Minister that the present situation in relation to quarrying in the area will not be altered as it affects the local authority.

Mr. COURT: If I speak on this clause I might be able to clean up quite a few later clauses in the agreement. This clause has to be considered in conjunction with clause 20 which refers specifically to mining on private land. The wording in this

clause is different from that contained in other agreements and I refer specifically to the following words in lines 5 to 8 of subclause (1), which are the appropriate words:—

... and privately owned land in respect of which the mineral rights are reserved to the Crown within the mining area as may be applied for to be granted to the Joint Venturers ...

This, in conjunction with clause 20, is a matter about which I spoke on the second reading.

Last night the Minister responded by saying that if I had done my homework I would know all about the matter. I have done my homework; and having been connected with these projects for so long I become sensitive when different words creep into an agreement.

The point I am trying to establish—and this concerns the Minister for Mines also—is what will be the policy of the Government in respect of privately-owned land both within the boundaries of the area covered by the plan which has been tabled in Parliament, and outside of that area? The agreement does provide for the mining and for the purchase of bauxite that is outside the area delineated in the plan.

I referred to this matter in the second reading debate on the basis of trying to achieve a degree of orderliness of development so that we would not have people running hither and thither and getting in each other's way, and doing a deal with Alcoa, Alwest, or Pacminex; thus bringing about not only a degree of fragmentation of mining operations, but a lessening of control. This matter was highlighted in the April issue of *Forest Focus*, which mentions that it is easier to deal with the big companies than some of the smaller types of fragmented operations.

When our Government was handling the administration of these things, it struck me that it would be in the interests of environmental protection, orderly mining, economic operations, proper control of water catchment areas, the general topography of the area, and the like, if there was an arrangement under which the Government became something of an arbiter, so as to ensure that Pacminex, for instance—if it gets off the ground—will operate in an area which is logical in relation to its mining operations. The same applies to Alcoa and to Alwest.

The Minister has raised a very pertinent point. I do not dispute the facts he has put forward regarding the practicability of a farmer, who has a property on which is located good bauxite deposits, achieving a considerable income. If he has the right sort of agreement he could have his farm rehabilitated by having the topsoil replaced, and then carry on

farming operations. This might be disputed by farmers, but some of the scientific people who are involved in these matters say this type of soil replacement is quite feasible and practicable. The rehabilitation of an area in this manner is quite practicable if the actual replacement of topsoil is done on a scientific basis.

It is possible for such a farmer to avail himself of this income if the Government can exercise a degree of co-ordination in respect of privately-owned areas. That would be more secure and would ensure development on a better and an orderly basis, than if the Government merely entered into an arrangement for the operation of a bauxite-alumina project. If that were done we would not find small operators jumping up all over the place and getting into each other's area; and the large companies would be able to operate within the general confines of the areas delineated.

I am aware that legally the Government is not in a position to deal arbitrarily with privately-owned properties, even where the minerals are reserved to the Crown; but the Government is in a very strong situation, with all companies having to submit their proposals, to ensure that not only a degree of orderliness in relation to mining, but also good management and good husbandry of mining operations, are achieved.

I gather the Minister is adopting the attitude that this is not his business; and that if anyone has a title he is to be given the right to mine the land, provided he conforms with the arrangements he makes with the owner of the private property and the Government.

However, there is a difference in clause 8(1) of the agreement in respect of areas that are within the general boundaries of the plan that has been tabled in Parliament; namely, that these areas will be embodied in the mineral lease document. It does not refer to a mineral lease as being one in connection with the general area, and another in respect of each of the private areas. It merely states—

... a mineral lease of such of the Crown land and privately owned land in respect of which the mineral rights are reserved to the Crown within the mining area as may be applied for to be granted to the Joint Venturers ...

Can the Minister give us an indication of the policy of the Government or do we take it that the Government will not interest itself in seeking to achieve a degree of co-ordinated development of these private properties?

Mr. GRAHAM: There has to be a realisation of the fact that this area is entirely different from the others dealing with the mining of bauxite, because very largely the other areas comprise State forests. In the case before us very little

of the State forests is involved, and therefore very little private property of which the State has the mineral rights is involved.

Accordingly, and I think quite properly, the State only deals in detail with what belongs to it, so it refers to Crown land where the minerals belong to the Crown and privately-owned land in respect of which the mineral rights are reserved to the Crown.

Private property, as the term implies, is private property; and obviously people within the area shown on the plan are permitted to sell and the company is anxious to avail itself of the bauxite supply. Whilst it may be a desirable state of affairs for Big Brother to be directing the way in which people should sell their product, as I explained last night one can envisage the situation where the owner of land, on which bauxite worth many thousands of dollars is located, might find that his land lies within the area belonging to a mining concern which might not be interested in mining in that particular locality for a generation or two.

I think it is wrong for us to deny a farmer the opportunity to capitalise on the assets he possesses and which he has a right to market, when a company is anxious to draw its supplies of ore from the farmer's land. So, we are not attempting to interfere with what might be regarded as the inherent right of a person to dispose of his property to a market, if that suits him or when he is able to make suitable arrangements.

I repeat that theoretically the idea of confining people to their own areas might be commendable, but personally I think this is unwarranted interference with the rights of people and will cause hardship and frustration in many cases.

I would hazard a guess that there is a limit to which companies can go outside of their area, and to the distance which they would be prepared to go to mine bauxite. I would point out that while they are in competition with one another, they will effect a certain degree of rationalisation between themselves. I do not think there is any need for the Government or for Parliament to interfere unnecessarily where the minerals belong to the individual landholder.

Mr. COURT: The Minister has either wittingly or unwittingly not got the point. So far as clause 8 of the agreement is concerned, it deals with private land that falls within the mining area which, under the definitions and for all practical purposes, is within the boundaries of the area covered by the plan tabled in Parliament.

However, if we take this clause in conjunction with other clauses dealing with private land, it does not follow that the areas of privately-owned land or those

from which bauxite will be bought lie within the confines of the mining area. All I am asking for is an undertaking that it will be the policy of the Government, when reviewing applications for leases and the propositions that are put before it in respect of private property—bearing in mind there is a clause which provides that before mining takes place the parties have to submit their proposals—to make every effort to achieve a degree of rationalisation.

I know that some companies, because of the rush of pegging, have attempted to make deals with people who hold areas outside of their mining area boundaries. If a company says it is not interested in mining an area for 20 years, even though it is within 20 miles of its plant, negotiations could be carried on by the Government. This would apply especially when a couple of characters wanted to take advantage of a situation.

Mr. Graham: Which characters does the Deputy Leader of the Opposition have in mind?

Mr. COURT: Not the two the Minister is thinking about. In the situation I have mentioned the Government could achieve more good sense between the parties than the parties themselves. I think that is desirable, and surely we are entitled to an indication from the Government. Otherwise I can foresee small bauxite mines all over the place. We know the Government has not the legal power in a general way but we are asking it to control the situation as a matter of good husbandry.

Mr. GRAHAM: My final words are: If what the Deputy Leader of the Opposition seeks is found necessary to be done then it can be done under subclause (1) of clause 20 of the schedule.

Clause put and passed.

The CHAIRMAN: I would draw the attention of members to the fact that the whole of the schedule is a clause, and I am dealing with the clauses of the schedule as we usually deal with the clauses of a Bill. I am allowing a lot of latitude regarding times on each item, but I do not want members to take advantage of the situation. We desire to get through the Bill as quickly as possible.

Clauses 9 and 10 of the schedule put and passed.

Clause 11 of the schedule: Bulk Storage Area Land—

Mr. RUSHTON: If one needed a spur to refer to the other Bill which was brought into the discussion last night, it is provided by this clause. Most members would not understand what is involved in the insidious implications of clause 11. I hope the member for Mirrabooka will bring this matter to the notice of his constituents.

The CHAIRMAN: I call the honourable member's attention to the fact that we are dealing with bulk storage area land.

Mr. RUSHTON: That is the subject on which I will elaborate, and show what is involved in this clause. The Minister indicated the stockpile situation and how conveyor belts would be used to convey the ore to the wharf in the CSBP area. However, the Minister elaborated on this point last night and aroused my interest. I have examined a map of the area and I find that the wharf is now opposite the residential area. Fine clouds of alumina will be blown across the residential area.

What horrifies me is that the Premier, and the member for Cockburn, when dealing with the stockpile area associated with a previous agreement, raised this very issue. I have even attended public meetings with the member for Cockburn on this matter.

The clause states that alternative land is to be made available to enable the company to do other things which the Minister has indicated. I know of other things which could happen. The Government is glossing over the fact that the alumina will be spread over the residential area. I am more determined than ever to fight this Bill if private property is to be damaged. The previous Government took appropriate steps to protect surrounding properties with buffer zones. I refer to the bulk handling of wheat.

Mr. Gayfer: Since when has that concern been polluting the air?

Mr. RUSHTON: I was referring to the buffer zones.

Mr. May: What about the fines stockpile at Port Hedland?

Mr. RUSHTON: I will not deal with Port Hedland; I am dealing with Kwinana where the people need protection against this insidious move by the Government.

Mr. McIver: What do you suggest to eliminate the pollution?

Mr. RUSHTON: We do not want the same situation as that which exists at Wundowie. That is not acceptable in Kwinana. The member for Cockburn previously sought to protect the interests of the people but now he is quiet. With those few words I hope I have emphasised the situation which will exist.

Mr. Bickerton: In those few words you have said nothing.

Mr. RUSHTON: The situation is easy to see.

Mr. Bickerton: Where do you suggest the stockpile should be placed?

Mr. RUSHTON: What will happen to the beach, and the "A"-class reserve? There is now talk of shunting yards and stockpiles.

Mr. McIver: The member for Dale had better stick to Garden Island.

Mr. RUSHTON: Is the member for Northam not interested in the *Kwinana* wreck area?

Mr. May: Is the member for Dale not interested in Port Hedland?

Mr. RUSHTON: The same clause refers to the buying of homes where nuisance is unduly occasioned.

Mr. Bickerton: What is the alternative?

Mr. RUSHTON: I think the company should be put in a position of having to do something to relieve the situation, as has been the case with other companies.

Mr. Bickerton: Where do you suggest the loading facilities should be?

Mr. RUSHTON: The loading ramp was indicated on the map, but because of all sorts of flexibilities in the agreement it will now be established in the bulk-handling area. That is not satisfactory. The people in the residential area should have protection. When the wind blows from the north-west the dust will be blown all over the residences. Why should that be? It is not necessary. It was not necessary under the last Government and it is not necessary now.

Mr. Bickerton: Where should it go?

Mr. RUSHTON: We want the Government to give further consideration to this. Why should a provision creep in that the Premier may sign something when he wishes to sign it? Why should it not be brought back to Parliament and the environmental protection people given the chance to pay attention to this issue?

Mr. GRAHAM: We have listened to a great deal of fulminating and ranting in connection with the matter and I think the document under discussion is worthy of a somewhat different approach from that. The position is as every member would be aware—and there would be no party politics about this—that when the State decided for some very good reasons that large industries should—for what was considered to be the best interests of Western Australia—be established in the Cockburn Sound locality, somewhat naturally it had the effect of changing the overall complex from one of being a people's playground to a heavy industry area and all it connotes.

In respect of the land about which the member for Dale speaks, the situation is that the area is virtually surrounded. Quite a number of people have complained. Their properties have been purchased. They have complained of dust, noise, interference, odours and this sort of thing which were not occasioned by the Pacminex refinery or storage dump but by the industries already located there.

If the company goes to the area and people complain in the future it is set out in the clause that there is a responsibility on the company to acquire the land, if the people wish to be relieved of their properties. The clause says that where the Minister is satisfied that nuisance by way of dust, odour, or noise is being unduly occasioned to occupiers of land, the land so occupied will be acquired.

Mr. Rushton: It says "may."

Mr. GRAHAM: This is so, "where the Minister is satisfied." Any Minister—unless the member for Dale happened to be the Minister—would be anxious to see the inclusion of this provision. The situation was created not by this Government but by a previous Liberal Government—or even Labor Government, if one likes—and it can happen that it becomes rather uncomfortable for people to live in close proximity to, if not adjoining, heavy industrial activity. If this is so there is a very definite responsibility upon the State to do something about it.

This is the precise reason for this specific provision; namely, to ensure that there is an obligation. Any Minister, I should say, would welcome the opportunity to do this in the interests of consolidating the industrial area but, primarily, in the interests of the people themselves who want to get away from what was once a pleasant living environment but which is not any more. The clause speaks for itself.

Mr. RUSHTON: The Minister has missed a vital point. When I first came to this Parliament I spoke on the question of giving relief to people who wished to leave the industrial area. Each industry established in the locality under discussion has caused their lot to be more difficult. There has been action to buy them out and this has been done on a progressive, priority basis. I am not disputing what the Minister said.

However, he has not answered my questions. What will happen to the "A"-class reserve adjacent to the *Kwinana* wreck? What will happen to the waterfront? What will happen to the people from Governor Road south over whom this dust will be spewed? What does the Minister think about it? Has he even looked at the map to see where the stockpile will be? I am sure the people in the area are not aware of what he intends. The Minister has indicated that the stockpile will be north of the area marked in the Fremantle Port Authority map. He indicated that this will be the location and that the conveyor belt will be towards—

Mr. Graham: I wish the member for Dale would have regard for the truth. The exact words I used were, "At the present time it is not known where the stockpile area will be." The honourable member knows I said that.

Mr. RUSHTON: I can repeat the Minister's words because I have them in front of me. The Minister emphasised last night that he was leaving open the alternatives of rail, sidings, etc. I ask the Minister to give an explanation on this point. After all it is a very serious matter. I repeat: What is the future of the "A"-class reserve adjacent to the *Kwinana* wreck and what will happen to the reserves along the foreshore which, in the past, have been said to be valuable by members on the other side of the House? Members on this side believe in their value, but apparently members on the other side only believed this until the 20th February.

I am not only concerned about people at Kwinana beach, who of course are very important, but also about the people from Governor Road south to Rockingham who will find that the dust comes into their homes when ships are loaded. I ask the Minister to explain what will happen.

Mr. COURT: I think the Minister would help his cause if he answered the member for Dale who obviously has a problem.

Mr. Graham: This Chamber has a problem.

Mr. COURT: I remember that when I was the Minister both the member for Dale and the member for Cockburn—who is not in the Chamber at the moment—never let up on having this situation resolved.

I raised this question at the second reading stage and the Minister touched upon it in his reply. From his remarks last night I understand this area is, in fact, within the total area which is being restudied by the interdepartmental committee. If the committee finds a solution to this problem it will be good for the whole district and will resolve most of the problems of the member for Dale.

I sought information from the Minister to see what progress had been made. If my memory serves me correctly, the Department of Industrial Development had an imaginative idea for the redevelopment of that area, but did not receive much support from other authorities. It appears the Fremantle Port Authority may become its ally to achieve redevelopment of the area which will resolve the problems of the people. Could the Minister give us an undertaking that before the final decision in respect of alternatives is made he will take steps to consult the local authority concerned? Clause 11(1) does foreshadow alternative ideas because it says "except where the parties agree," the bulk storage area will be established in accordance with the plan which has been tabled.

This is what the member for Dale is worried about. Can we have an assurance that before a final decision is made the local authority will be consulted, because the authority is very concerned? In fact,

two authorities which have contiguous boundaries are very concerned about it and I think they would be happy to see the total problem resolved with complete industrial development, because this is a way of giving relief to people who would otherwise suffer.

Mr. Graham: It would be a good idea for you to have a talk with your colleague, the member for Dale. You have the message but I cannot get it through to him.

Mr. COURT: All I want is the assurance that before an alternative is finally resolved there will be consultation with the local authorities. I say "authorities" because, although it comes within the area of one authority only, two authorities are vitally interested.

Mr. Graham: That would be inevitable.

Mr. RUSHTON: If the Minister will not answer me, perhaps I can ask him a few direct questions. We have seen a phasing out of heavy industry which is pollutant prone but now this one is to be allowed. The old plan presented by the Fremantle Port Authority expressed only the authority's point of view. It is up to the Government to make a decision.

A caravan park has been established, the area has been beautified to some extent, and now we are going to allow loading operations. It is negating what has been undertaken.

I even ask the Minister to let me know the Government's intentions at a later date—although this is the time to tell us—with regard to the "A"-class reserve, the beachfront, and the phasing out of heavy pollutant-prone industries as they are related to the large residential area at Rockingham because the people will be affected by the fumes and dust from the loading operations. The Committee is entitled to an explanation.

Clause put and passed.

Clauses 12 to 38 of the schedule put and passed.

Clause 39 of the schedule: Environmental Protection—

Mr. RUSHTON: This clause relates directly to environmental protection and illustrates the Government's intentions in this regard. One part of the clause clears the issue a little, and it reads as follows:—

... or any local or other authority or statutory body of the State, pursuant to any Act for the time being in force.

I was concerned about the relationship of this project to the local authorities, and particularly in relation to environmental protection.

What is the meaning of the words, "for the time being in force"? I suppose they mean for all time, and I wonder whether that is the Minister's interpretation of the words. Local authorities have a direct authority in planning and the protection of

aesthetic values in the community. Does the Minister mean that schemes introduced from time to time will be subject to this legislation?

Mr. GRAHAM: I explained this when introducing the measure. The words, "for the time being in force," mean the laws in force—in other words, the legislation as it now is and as may be amended, or in any new legislation introduced. It will be seen that this clause not only binds the State but also any other body which might be formed under any Statute. It will be seen that, even if some transportation operations are likely to threaten or disturb the environment, the power is there to restrain the company.

I want to acknowledge the co-operation of the joint venturers in this matter, and every conceivable precaution has been taken to ensure that no damage is done to anything which is precious to the public at large.

Mr. COURT: In the interests of expedition I did not speak to clauses 2 and 3 of the Bill before we reached the schedule. I wish to comment briefly now as this clause is a crucial one so far as the people objecting to the project on environmental grounds are concerned, because there is no other action that one can take at the moment.

It is unfortunate we have to consider this agreement before the environmental protection legislation has been dealt with. A lot of the heat which has crept into this debate would not have arisen had we examined the environmental legislation and preferably passed it before paying attention to the agreement.

Mr. Graham: Would you not consider, even without the environmental protection legislation, clause 39 is fairly comprehensive in itself?

Mr. COURT: This is the point I am trying to make; we do not take exception to the clause as a clause, but it is most unfortunate we are dealing with it back to front. The Minister says this clause will apply not only to present laws but also to future laws. If the Government had been a little patient and gone along with the Opposition, we could have discussed in the Chamber the legislation directly concerned with the project in a different atmosphere.

The agreement would have been discussed in a different context altogether and I believe two-thirds of what has been said would have been unnecessary.

Mr. Graham: Even without any legislation, do you not think this clause fits the bill?

Mr. COURT: I have not questioned the clause at all, and neither has the member for Dale, except to raise a query.

Mr. Graham: Therefore, it will be immaterial whether we have environmental legislation or not, as long as we have this clause.

Mr. COURT: This is the most unfortunate part of the events of the last few days regarding this Bill. The Minister will not accept our point of view at all, I know, but we can still register it. I hope we will know something of the environmental protection legislation this afternoon, but if the Bill had been before the House we would have known what the company has to do with respect to that particular legislation. I realise that the legislation might be amended in years to come and the company is still bound by any new legislation. Other legislation can be brought in and, as I understand the agreement, the company will be bound by it. I am not querying that at all, but I wish to make the point while speaking on the schedule that it is most unfortunate we have been forced into an argument on a conflicting issue when the emotionalism of environmental protection in the community has been projected into the agreement. We have lost sight of much of the industrial merit in the course of discussions in the Chamber.

Mr. Graham: Do you think if the protestors studied clause 39, all their noise would be answered?

Mr. COURT: Might I make my position clear? It does not matter what is in the new environmental protection legislation, there are some people who will not be satisfied with it.

Mr. Moiler: They do not want it to work.

Mr. COURT: Even if it is implemented to the nth degree, there are always people at both extremes. One group says "stop everything." The other people say, "Give us an open go; as long as it creates jobs it does not matter." We cannot have a bar of these people either.

Mr. Graham: There would not be too many of them.

Mr. COURT: Unfortunately we do have a couple, but we will not discuss them tonight.

Mr. Graham: The same two?

Mr. COURT: Just let us deal with the people in between, as they would represent the majority of the community. These people, and most members of Parliament, would go along with environmental protection within the framework of the law eventually passed by Parliament. Most members would say, "If the director and his experts are doing their job and the machinery is working efficiently, we will accept their decision." I made the point on the second reading that an industrialist has more chance of getting a favourable decision from a body like that than from an emotional Parliament. Just imagine this matter going to a Select Committee.

Members of Parliament would be influenced by the emotion generated and the feelings of their constituents.

Therefore, I would like to make the point again—and this is the last time I can do this—there would have been much less trouble had the environmental protection legislation been presented first. I venture to say we would then have looked more at the credits on the economic side than at the debits on the environmental side.

Mr. O'CONNOR: I would like briefly to support the remarks made by the Deputy Leader of the Opposition. The environmental aspect should be looked at even more closely than it has been so far. I will be very brief in my remarks, because I know we have already spent some time on it. However, I want to bring forward two or three points which concern me in regard to this matter. Personally I have no objection to a refinery or an industry of this size being established in this State. In many ways its establishment will bring forth some advantages. But from an environmental protection point of view its present location could cause a great deal of damage. The Upper Swan Valley is one of the most beautiful areas in this State, and therefore one hesitates even to think that this refinery could well become the core of an industrial centre.

I know the Deputy Premier has given an indication this afternoon that it will not be the core of an industrial centre, but there is no guarantee as to that.

Mr. Jamieson: The Government's attitude will not change, but we are not responsible for your actions.

Mr. O'CONNOR: We are not irresponsible.

Mr. J. T. Tonkin: Thank God for that!

Mr. O'CONNOR: I think it is our duty at least to outline our views and the views of many of our electors and try to obtain answers to our questions on this matter, even though we have had instances in the last week or two of the Premier being irresponsible in not being prepared to give out any information.

Mr. J. T. Tonkin: That is a cheap jibe.

Mr. O'CONNOR: It is a fact, anyhow, and many people are concerned about it.

The CHAIRMAN: I would point out that we are dealing with clause 39.

Mr. O'CONNOR: I am trying to deal with it, too, but there are many people who are trying to divert me from it. I consider that the action in regard to the establishment of this refinery should have been delayed until such time as the Director of Environmental Protection has a chance to study the matter. He is now in an invidious position because, as a Government employee, he will know the Government's viewpoint on this question. This is extremely unfortunate.

I would like to see the refinery established in the Gingin area or in any other area that has a smaller population.

Mr. Graham: There is not much population in the area where it is going.

Mr. O'CONNOR: Quite frankly, I can visualise many problems. What can be expected has already been indicated by the Minister for Health when he spoke about the Midland brickworks. That company intends to erect a chimneystack that will spread the pollution over a greater area.

Mr. Graham: They will disperse and dilute it.

Mr. O'CONNOR: In my opinion when the additional chimney is erected it will spread the pollution over a greater area, and we must bear in mind that the brickworks will be switching over to natural gas this year. We should therefore pause to see what the effects of this switchover will be.

Mr. Moiler: It is not the sulphur, but the fluoride that is the trouble.

Mr. O'CONNOR: I am one of those people who are close to the works.

Mr. Graham: There will be no fluoride coming from the refinery.

Mr. O'CONNOR: I agree that a refinery of this kind will bring many benefits to the State, but I am concerned that it could become the core of an industrial centre in an area which I would not like to see spoilt by its establishment.

I wanted to make those points and I hope the action that has been taken does not place the Director of Environmental Protection in a difficult position if he is obliged to express views that will be contrary to those expressed in this Chamber. I hope the Government will agree to defer its action until the director is able to give the site a thorough investigation. From a report in the Press this morning I noted that Pacminex is anxious to hasten the establishment of the refinery, but we should not proceed with haste but ensure that the people concerned will enjoy the greatest benefit from such a project.

Mr. RUSHTON: This clause is actually a condensation of the reasons for our resisting the Bill in its present form. The Deputy Leader of the Opposition put the case very clearly. To me it is rather interesting that, in relation to this environmental protection clause, the member for Mirrabooka who is the chairman of his party's environmental protection committee has not considered it. The Minister has not answered any questions put to him in regard to "A"-class reserves, beachfronts, and residences at Rockingham.

The CHAIRMAN: I think you have made those points previously and you are indulging in repetition.

Mr. RUSHTON: The Premier, who has been a champion on this issue, has not said a word about the protection of beach-fronts or "A"-class reserves. He is completely dumb on these matters.

Clause put and passed.

Clauses 40 to 49 of the schedule put and passed.

Clause 50 of the schedule: Assignment—

Mr. COURT: I refer to this clause only to relate it to the query I raised with the Minister on the definition of an associated company because of the variation that has been made in the definition. The significant words are—

The Joint Venturers or any of them may at any time assign mortgage charge sublet or dispose of to an associated company as of right . . .

When the Minister is considering my query on an associated company I would like him to bear this in mind, because it is quite a serious aspect when one is talking about an Australian component.

Mr. GRAHAM: I repeat the undertaking I gave earlier; namely, when the Bill comes before us on the next day of sitting I shall endeavour to supply the Deputy Leader of the Opposition with the information he seeks.

Clause put and passed.

Clauses 51 to 59 of the schedule put and passed.

Schedules 1 and 2 to the principal schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

CENSORSHIP OF FILMS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. J. T. Tonkin (Premier), read a first time.

QUESTIONS

Closing Time: Statement by Speaker

THE SPEAKER (Mr. Toms): Before commencing with questions, I wish to announce that as next week is a holiday, questions for the following week will be taken up to 12 noon next Thursday, the 30th September.

QUESTIONS (13): ON NOTICE FRUIT FLY

Baiting Scheme

Mr. NALDER, to the Minister for Agriculture:

- (1) How many fruit fly baiting schemes operated in this State in the year 1970-71—
 - (a) in the country;
 - (b) in the metropolitan area?

- (2) Is there any alteration to the above schemes operating in—
 - (a) country;
 - (b) metropolitan area, for the year 1971-72?
- (3) How many fruit fly baiting schemes in the country are assisted financially by the Government in each case for the year 1970-71?
- (4) How many fruit fly baiting schemes in the metropolitan area are assisted financially by the Government in each case for the year 1970-71?
- (5) What are the amounts requested by country schemes for the year 1971-72 and the amounts to be paid?
- (6) What are the amounts requested by the metropolitan schemes for the year 1971-72 and the amount to be paid?

Mr. H. D. EVANS replied:

- (1) (a) 40 schemes operated in the country.
- (b) 10 schemes operated in the metropolitan area.
- (2) (a) One country scheme has indicated its wish to discontinue.
- (b) In the metropolitan area, one scheme has stated that it will go into recess.
- (3) Four country schemes received financial assistance—

	\$
Donnybrook	500
Newlands	150
Koorda	130
Dowerin	155

- (4) Six metropolitan schemes received financial assistance—

	\$
Maylands-Mt Lawley- Inglewood	1,500
Belmont	1,500
Applecross	1,000
South suburban	3,000
Eastern Hills	1,800
Kwinana	676

(5) Country schemes	Request	Payment to be made
Scheme	No amount stated	Nil
Northern Shire	\$1,500	\$1,500
Kalgoorlie		

(6) Metropolitan schemes	Request	Payment to be made
Scheme		Under consideration
Belmont	\$1,800	\$2,500
Maylands - Mt. Lawley-Inglewood	\$2,500	
Guildford	\$750	\$250
Applecross	\$1,000	Under consideration
South suburban	\$3,000	Under consideration

2. **TEACHERS***Promotions: Preference*

Mr. MENSAROS, to the Minister for Education:

- (1) What is the title of the proposed regulation referred to in his answer to question 24 on Tuesday, 21st September, 1971, or, if it is an amendment, what is the title of the principal regulation it seeks to amend?
- (2) Will this regulation or amendment be laid on the Table of this House?
- (3) If (2) is "Yes" when can the tabling be expected?
- (4) If (2) is "No" how will members have access to it and where?

Mr. J. T. TONKIN replied:

- (1) It is a proposed new sub-regulation (4) to regulation 295L.
- (2) to (4) If the change is made by the addition of a new sub-regulation this will be laid on the Table of the House after gazettal. However, discussions with the Crown Law Department have indicated that it may be necessary to amend the Education Act, in which case the amending Bill will come before the House in the usual way.

3. **HEALTH***Medical Department: Outstanding Debts for Services*

Mr. RUSHTON, to the Minister for Health:

- (1) What was the total of accounts outstanding to the Medical Department by patients for services rendered as at 30th June, 1970 and 1971?
- (2) What portion has been written off as uncollectable for each year?
- (3) Was any portion of the amounts written off owed by members of a medical benefit fund?
- (4) If "Yes" what amount?

Mr. H. D. EVANS (for Mr. Davies) replied:

- (1) Total debts, including current accounts, outstanding for treatment of patients in all public hospitals in Western Australia were as follows:—
 30th June, 1970: \$6,090,971.
 30th June, 1971: \$6,524,577.
- (2) Approximately 10% of debts raised each year were written off.
- (3) Yes.
- (4) Not available. No separate record is kept of amounts owed by members of hospital and medical benefit funds. The amount written off would be a relatively small sum.

4. **EMPLOYMENT***Preference to Spaniards*

Mr. RUSHTON, to the Minister for Labour:

Relating to the article appearing in the *Daily News* of 21st September, 1971, headed "Spaniards before Locals":—

- (1) Were any of these complaints of any of these people not being members of the union?
- (2) Will he distinguish the difference in discrimination between an advertisement of this purport and that seeking unionist employees only?

Mr. TAYLOR replied:

- (1) The union deputation referred to did intimate that on one or two occasions, non-union labour had been "picked up", but they also readily agreed that when pointed out to them, the workers concerned promptly re-affiliated. It was not a grievance of the union that non-union labour may have been employed.

- (2) The word "discrimination" in the member's question appears to refer to that used by a union spokesman and in a press heading.

My own comments on this matter—parts of which are included in the *Daily News* of 21st September and *The West Australian* of 22nd September—are perfectly clear and may be summarised by saying that the company concerned is breaking no law or regulation, but that I believe any company being too selective on a basis of nationality is possibly being unwise, as such an action could lead to irritation and possible disputation.

5. **DROUGHT AFFECTED AREA***Procedure for Declaration*

Mr. GAYFER, to the Premier:

- (1) What is the procedure for a Shire Council to have either a portion or the whole of its shire declared a "drought affected area"?
- (2) What assistance is available to farmers situated in a "drought affected area"?

Mr. J. T. TONKIN replied:

- (1) The decision on whether an area is declared drought affected rests with the Minister for Agriculture. A shire council should apply to the Minister to have all or part of its shire declared drought affected.

The Minister will make his decision after obtaining a report on the situation from an officer of the Department of Agriculture.

- (2) No areas are declared drought affected at present and therefore no assistance is available. A review is currently being made of drought assistance on the basis of experience over the past two years and the stated Commonwealth approach to assistance to a State affected by drought.

6. **EDUCATION**
Rural, Northern, and Remote Areas: Improvement

Mr. COURT, to the Minister for Education:

- (1) How are the various school of air transceivers financed and who owns them?
- (2) How many families were affected immediately when assistance was lowered in 1970 from \$100 per annum per child to \$200 per annum per family?
- (3) If no answer on the statistics is available to the previous question, on what statistical evidence or other basis was the decision made to alter the allowance based?
- (4) (a) Was any form of special assistance available to families in remote areas who were financially unable to educate their children;
(b) if "Yes" how many people and what sums were involved?
- (5) How much special assistance has been budgeted for in the coming year?
- (6) Is this amount an increase on the previous budget figures?
- (7) Is he aware that at the commencement of the 1972 school year many children now at private schools may have to be taken home through lack of finance?
- (8) (a) Is he aware that other States of the Commonwealth with similar problems are moving for a complete departmental investigation into the problems of educating children from rural and remote areas;
(b) is he prepared to do likewise;
(c) is so, when is such inquiry likely to be completed;
(d) if already undertaken, would he be prepared to make the findings available?
- (9) (a) Will he make a comprehensive statement on the Government's policy on the short and long term plans to improve the education opportunities for children in rural,

northern and other areas outside of the metropolitan area or outside of areas which are already served with education facilities of a reasonable nature up to matriculation standard?

- (b) in such a statement would he make special reference to children in very remote and isolated areas such as pastoral properties?

Mr. J. T. TONKIN replied:

- (1) In the case of Meekatharra, Port Hedland and Carnarvon schools of the air the transceivers are purchased jointly by the Education Department, the Lotteries Commission and the school of the air parents and citizens' groups. Ownership is vested in the Minister for Education.
Kalgoorlie school of the air transceivers have been purchased and are owned by the eastern gold-fields section of the Royal Flying Doctor Service.
- (2) and (3) Assistance was increased to 75 families and reduced to 58 families, six pastoral companies and one community group claiming on behalf of a number of families.
- (4) (a) Yes.
(b) 103 students have been assisted and the sum involved is \$14,189.
- (5) \$10,000 has been provided in the current estimates for special boarding assistance up to the end of the 1971 school year. The normal boarding away from home allowances will be increased as from the commencement of the 1972 school year by from \$50 to \$90 per annum according to the locality where the parents reside.
- (6) Yes—an increase of \$1,000.
- (7) The Department has received reports to this effect.
- (8) (a) No.
(b) and (c) The department has for some time been investigating education in those rural areas where particular problems exist and these investigations are continuing.
(d) As decisions for each area are arrived at, the findings are made available to the people concerned.
- (9) (a) It is not possible to make a comprehensive statement of policy which will have general application since each area has its own special needs. Statements of the department's

intentions with regard to certain areas have already been made.

- (b) It is the department's policy to give special consideration to the educational needs of children in remote and isolated areas.

7. FRUIT CANNERY AT MANJIMUP

Product Brand

Mr. WILLIAMS, to the Minister for Industrial Development and Decentralisation:

- (1) Under what brand will the product from the proposed co-operative fruit cannery at Manjimup be marketed?
- (2) In what way or by what company will the product be distributed?

Mr. GRAHAM replied:

- (1) and (2) This is a non-government concern and accordingly its trading operations are its own business.

8. FRUIT CANNERY AT MANJIMUP

Finance

Mr. WILLIAMS, to the Minister for Industrial Development and Decentralisation:

- (1) What amount of money does the Government require growers, organisations and individuals to provide for the establishment of the co-operative fruit cannery at Manjimup?
- (2) How much of this money has been raised by—
 - (a) pledges;
 - (b) purchase or promise to purchase shares?
- (3) Of the growers participating—
 - (a) how many have agreed to take out shares to the value of \$70 an acre of canning fruit grown;
 - (b) how many have agreed to a lesser figure or arrangement;
 - (c) what is the figure or arrangement in each case?

Mr. GRAHAM replied:

- (1) The Government made a decision to support the cannery by guarantee on the basis that a reasonable sum be provided by growers, organisations, and private individuals interested in the project.
- (2) and (3) The management of the Manjimup Canning Co-Operative Co. Ltd. may be prepared to provide the Member with the information required, which I am not prepared to do.

9.

CARAVAN PARKS

Number, and Noncompliance with Regulations

Mr. BLAIKIE, to the Minister for Tourism:

- (1) How many caravan parks have been registered by local authorities in Western Australia, and in which shire areas?
- (2) How many operators of caravan parks have been—
 - (a) prosecuted;
 - (b) reprimanded;
 - (c) closed down,
 because of non-compliance with regulations?
- (3) What is the total number of caravan parks in Western Australia?

Mr. T. D. EVANS replied:

(1) Name of authority	No. of parks
Albany	7
Kelmscott	2
Ashburton	1
Augusta-Margaret River	5
Bunbury	3
Boulder	2
Bridgetown	1
Brookton	1
Broome	1
Bruce Rock	1
Busselton	16
Canning	1
Capel	1
Carnarvon	8
Cockburn	2
Coolgardie	3
Collie	1
Corrigin	1
Cue	1
Cunderdin	1
Dalwallinu	1
Dandaragan	1
Dardanup	1
Denmark	3
Donnybrook	1
Dundas	1
Esperance	5
Exmouth	1
Geraldton	3
Greenough	1
Gingin	3
Gnowangerup	2
Gosnells	2
Halls Creek	1
Goomalling	1
Harvey	4
Irwin	2
Kalgoorlie	1
Kalamunda	3
Katanning	1
Kojonup	1
Kondinin	1

Name of authority	No. of parks
Kwinana	1
Lake Grace	1
Leonora	1
Mandurah	9
Manjimup	4
Marble Bar	1
Meekatharra	1
Merredin	1
Mingenew	1
Moora	1
Mundaring	3
Murray	2
Nannup	1
Narembene	1
Northampton	9
Nullagine	1
Northam	2
Narrogin	1
Perenjori	1
Perth	2
Plantagenet	1
Port Hedland	2
Ravensthorpe	2
Rockingham	5
Roebourne	3
Shark Bay	2
Swan Guildford	3
South Perth	1
Tablelands (Wittenoom)	1
Upper Blackwood	1
Wagin	1
Wanneroo	5
West Kimberley	1
Williams	1
Wongan-Ballidu	2
Wyndham - East Kimberley	3
York	1
Total	178

(2) (a), (b), (c).

Prosecutions or reprimands are carried out by local authorities and statistics are not readily available.

(3) 178.

10 SEWERAGE AND DRAINAGE

Albany

Mr. COOK, to the Minister for Water Supplies:

(1) Could he advise the areas in the Town of Albany and the projects, on which funds allocated for the 1971-72 sewerage programme will be spent?

(2) What will be the total of funds available in 1971-72 for sewerage works in Albany?

(3) What will be the total of funds available in 1971-72 for drainage works in Albany?

(4) Could he advise the areas and projects in the Town of Albany on which funds allocated for the 1971-72 drainage programme will be spent?

Mr. JAMIESON replied:

(1) The 1971-72 sewerage programme is to extend the reticulation sewer system to serve the area bounded by Park Road, Angove Road, Collingwood Road, Bluff Street and Cockburn Road.

(2) \$130,000.

(3) Nil.

(4) Nil.

11. FREE SCHOOL BOOKS

Deposit for Use

Mr. McPHARLIN, to the Minister for Education:

Referring to the answer to part (3) of my question 10 on Wednesday, 22nd September, 1971, if the books are not to become the property of the pupil will he give consideration to the charging of a reading or study fee to be refunded on the completion of the course, to ensure that the books will be cared for to a greater degree?

Mr. J. T. TONKIN replied:

No, as this would defeat the purpose of the free text-book scheme.

12. ROADS

Allocations to Merredin Shire Council

Mr. BROWN, to the Minister for Works:

(1) What annual allocations were made by the Main Roads Department under their development road programme to the Merredin Shire Council for the years 1964-65 to 1970-71 inclusive, by way of—

(a) construction;

(b) maintenance;

(c) special contributions?

(2) Will he list payments made during these years to the Merredin Shire Council from road maintenance tax for road maintenance?

(3) Were road maintenance tax payments made in addition to funds previously available for road maintenance?

(4) If "Yes" to (3) how much each year?

(5) If "No" to (3) why not?

Mr. JAMIESON replied:

(1) Allocations to the Merredin Shire

Year	(a) Construction		(b) Maintenance	(c) Special Grants		
	Expended by shire council	Expended by Main Roads	Expended by shire Council	Construction Expended by shire	Expended by Main Roads	Maintenance Expended by Shire
	\$	\$	\$	\$	\$	\$
1964-65	33,000	4,940			
1965-66	30,000	6,000	5,100		5,000	4,100
1966-67	30,000	36,500	10,940	1,000	3,500	850
1967-68	30,000	48,000	8,380			
1968-69	30,500	12,000	8,720			
1969-70	33,000		11,600			
1970-71	43,200		12,200			5,000

- (2) The following allocations were made to the Merredin Shire Council from the Road Maintenance (Contribution) Fund for road maintenance:—

1964-65—Nil
 1965-66—Nil
 1966-67—\$10,940
 1967-68—\$8,380
 1968-69—\$8,720
 1969-70—\$11,600
 1970-71—\$12,200

- (3) No. However, it will be noted that the allocation for maintenance was substantially increased from the first full year of operation of the Road Maintenance (Contribution) Fund, that is, 1966-67.

(4) Answered by (3).

(5) Answered by (3).

13. DIRECTOR-GENERAL OF EDUCATION

Visits: Overseas, Interstate, and Country Centres

Mr. O'CONNOR, to the Minister for Education:

- (1) How many times in the last three years has the Director-General of Education been—
 (a) overseas;
 (b) interstate;
 (c) in country centres?
- (2) Will he advise the period of time involved in 1(a), (b) and (c)?
- (3) Will he advise the cost involved in 1(a), (b) and (c) including fares, expenses, salaries, etc.?

Mr. J. T. TONKIN replied:

- (1) (a) 3 visits.
 * (b) 12 visits.
 * (c) 32 visits.
- (2) (a) 5 months.
 * (b) 43 days.
 * (c) 37 days.

Council for the years 1964-65 to 1970-71 for Expenditure on Developmental roads:—

(3) (a) \$4,040.

* (b) \$2,980.

* (c) \$1,040.

Normal salary was received during these periods of service.

* These figures are for the past two years only, as records in the department do not go back beyond that period.

QUESTIONS (2): WITHOUT NOTICE

1. RADIO SESSIONS

Contempt of Parliament

Mr. GAYFER, to the SPEAKER:

My questions concern a radio broadcast to which I listened at approximately 10.45 this morning. I think the commentator was one Garry Meadows—though I cannot be too sure on this. He was answering questions phoned into him from various housewives on the effects of the State Electricity Commission strike.

I took down what he said at the time and I consider it a little defamatory as it relates to Parliament and to this House in particular. In one of his answers he said, "I do not care whether they are Liberal or Labor, they are all a bunch of ratbags." He did not mention the Country Party!

However, in all seriousness, Sir, and knowing the regard and respect in which you hold this institution, I wonder whether it might be possible for you to have this matter checked—in view of the fact that it has been reported to you—to see whether something can be done to take any action that might be necessary. There is far too much of this type of snide comment being made in respect of people who are not able to hit back.

The **SPEAKER** replied:

The honourable member will be fully aware that I have been informed of this matter, he having informed me himself. I have asked the Clerk to call for a transcript of the particular passage and when I receive it I will converse with the honourable member to see what action, if any, might be necessary.

2. ELECTRICITY SUPPLIES

Strike: Effect on Abattoirs

Mr. BLAQUIE, to the Minister for Agriculture:

- (1) What effect will the power crisis have on the production rate of abattoirs at—
 - (a) Midland;
 - (b) Robb Jetty?
- (2) Can the Minister advise whether stand-by auxiliary power generating equipment is installed at both Midland and Robb Jetty?
- (3) Can the Minister assure the House that meat and other foodstuffs held under refrigeration at these abattoirs will suffer no despoliation during the current power supply crisis?

Mr. H. D. EVANS replied:

This question does enter the realms of supposition as the meeting concerning the future of this particular industrial disharmony is still in progress. However, on the basis that the question is framed on supposition, I would inform the member for Vasse—

- (1) The power crisis would have a serious effect because it would mean that operations could not proceed satisfactorily.
- (2) Neither of the works referred to has auxiliary power generating equipment; and
- (3) It would be impossible to assure the House that meat and other foodstuffs in refrigeration will suffer no despoliation. If power is removed from any refrigerating mechanism naturally it cannot operate satisfactorily with the obvious result that foodstuffs could possibly be affected. There are no foodstuffs involved at Midland, but there is a blast tunnel which is involved in an experimental capacity and one boning room is in operation. The bulk of the new refrigeration is not yet in use. With regard to Robb Jetty and the frozen

materials there, provided these remain closed they will not suffer any ill-effects for two or three weeks. However, if it is only a matter of two or three days and provided there is intermittent power, the chillers could be kept in operation and no ill-effects are likely to result.

Sitting suspended from 3.47 to 4.05 p.m.

PARLIAMENTARY COMMISSIONER BILL

Second Reading

MR. J. T. TONKIN (Melville—Premier)
[4.06 p.m.]: I move—

That the Bill be now read a second time.

Mr. Speaker, there is a very good maxim which says: If at first you don't succeed, try, try again. I experience a fair amount of satisfaction at being in the position I find myself in today of introducing a Bill which has a reasonable chance of becoming law.

I first attempted to persuade the Government of the day to appoint an ombudsman as far back as 1963; I was unsuccessful. I tried again in 1964, with the same result; and again in 1965, with the same result. I thought it expedient to rest for a while until developments came to my aid, and I made a further attempt in 1968, but with no more success than had attended my previous efforts.

Mr. W. A. Manning: What happened in 1961?

Mr. J. T. TONKIN: The Bill before the House relates to the appointment of an ombudsman or a parliamentary commissioner for investigations. Some years ago, His Honour Mr. Justice Burt, when giving attention to the growing power of the Executive and the need for some provision to restrain this trend, said—

The problem of legal control of the exercise of executive power could not be solved within the existing law. New institutions and attitudes would have to be created.

His Honour was not at that time a judge but he was a very prominent Queen's Counsel whose opinion was to be respected. It was his very firm opinion that new institutions and attitudes would have to be created, and the purpose of this Bill is to create a new institution following upon a new attitude to this question.

In relation to the proposal for the appointment of an ombudsman, we must consider the adequacy or otherwise of the guarantees which are at present available to the public against mistake, negligence, or direct abuse of power by public authorities.

Sweden appointed an ombudsman in 1809, and there is still an ombudsman functioning in that country. It has taken the rest of the world a long time to realise the advantage which can flow from such an appointment as far as the general public is concerned. Denmark appointed an ombudsman in 1953. Finland appointed one in 1919, Norway in 1962, then followed New Zealand in 1962 and Great Britain in 1967. So, from the experience and example of Sweden, those other countries have benefited and decided to follow suit by having their own institutions for the purpose of dealing with the grievances of individuals. As far as I can ascertain—and I have made extensive inquiries—there is not a single instance anywhere in the world of the office of ombudsman, once having been created, being subsequently discontinued.

The Danish ombudsman, Professor Hurwitz, delivered a paper at a seminar in Kandy in 1959. A Labor Minister from New Zealand was present at that seminar and after hearing Professor Hurwitz he made up his mind that a case had been made out for the appointment of an ombudsman and that he would have one appointed in New Zealand. The Labor Government was defeated at the next elections but the Liberal Government, upon coming into office, appointed an ombudsman.

Some years ago—from memory, it would be around nine or 10 years ago—I had the opportunity to speak to a very prominent Liberal member of the New Zealand Parliament who was on a visit to Western Australia and was present in this building. In the presence of The Hon. Arthur Griffith, who was then the Minister for Justice, I posed this question to the visitor: "How do you view the ombudsman in New Zealand?" His reply, which I can remember word for word to this day, was, "Absolutely and unequivocally a success." It has taken us a long time to follow that excellent example which has proved to be so successful in New Zealand.

A few months ago it was my pleasure and privilege to meet the New Zealand ombudsman who has been such an outstanding success. Sir Guy Powles came to Perth and I discussed with him various aspects of his activities—what he felt had been the main benefit from his office and whether he could honestly tell me that the expenditure involved had been worth while.

As could be expected, he was most enthusiastic and he appeared to me to be very sincere. He said without the slightest doubt that the appointment had been of tremendous benefit to many people and many wrongs—which would not otherwise have been redressed—had been redressed as a result of the existence of the office.

We have an example in Australia of a local authority taking action on its own behalf. The Albert Shire Council in Queensland appointed an ombudsman in 1965 to look after the interests of the ratepayers. That is the background to the introduction of this Bill.

The Bill before the House provides for the appointment of an ombudsman whose term of office shall be for five years, with of course—as could be expected—the right of renewal. The ombudsman cannot be a member of Parliament, nor may he hold any other occupation. It is necessary to provide that section 34 of the Interpretation Act shall not apply to the power of appointment, otherwise there would be limitations to the Government's sphere of activity with regard to this appointment. If members study section 34 of the Interpretation Act they will see in what way it could be a hindrance. The Public Service Act will not apply to the parliamentary commissioner, but the Superannuation Act shall apply and the ombudsman, who may be—but not necessarily—a person drawn from the Civil Service will be able to contribute to the superannuation fund and draw superannuation upon his retirement in the ordinary way.

For the guidance of the parliamentary commissioner, rules of Parliament will be made in respect of the policy he will have to follow. The Parliament will determine the basic policy to be followed and will confer the power to be utilised in the investigations he will carry out. These rules will be rules which have been agreed upon by each House of Parliament.

Obviously section 36 of the Interpretation Act cannot apply. With regard to the jurisdiction over which the ombudsman will be able to carry out his activities, I advise members that his jurisdiction will include Government departments and other authorities specified in the schedule, plus any additional bodies which may from time to time be declared to come within his jurisdiction.

Naturally enough the ombudsman will not be given jurisdiction over the Supreme Court, a district court, or any other court; nor will he be given jurisdiction over any judge, the Auditor-General, the Parliament, or the Parliamentary Privileges Act. Those will be completely outside the jurisdiction of the ombudsman and a little thought will show members why that is so. The matters which will be subject to his investigation will be any decision or recommendation which has been made, or any act done or omitted to be done relating to a matter of administration which affects any person or body of persons in his or their personal capacity.

The ombudsman is not authorised to investigate a decision of Cabinet or a decision of a Minister. He is not authorised to question the merits of any decision of

Cabinet or any decision of a Minister. Whether the decision of Cabinet or of a Minister be right or wrong, the place for it to be questioned is in the Parliament itself and it is not necessary—nor would it be desirable—to provide that the ombudsman shall be in a position to question such a decision.

Mr. Williams: That would mean a policy matter implemented by a Minister through a particular department which is mentioned in the schedule as well?

Mr. J. T. TONKIN: In that case the ombudsman would be inquiring into the administration.

Mr. W. A. Manning: Does that mean that a letter from a Minister would be the last word on a subject?

Mr. J. T. TONKIN: Parliament is the last word. If there is anything wrong with the conduct of a Minister, he may be questioned and called to book in the Parliament. Therefore, it is unnecessary and undesirable that the ombudsman should, on his behalf or on behalf of any other person outside Parliament, question decisions of Parliament or of a Minister.

Mr. O'Neil: What about the recommendations of a departmental officer to his Minister?

Mr. J. T. TONKIN: That is an administration matter. If recommendations are being carried out by administrative officers, then the result of that administration may be inquired into by the ombudsman. There is no difficulty about that.

The ombudsman will not be authorised to take any action in respect of which a method or avenue of appeal already exists. That is the general rule, and I will mention the exceptions shortly—that is to say, where a tribunal has been provided by law to which a person who feels aggrieved can apply, one would expect the person who has a grievance to take the ordinary course and follow the procedures already laid down. However if the commissioner feels that despite the provision or the existence of an avenue of appeal he should hold an inquiry, then the way is open for him to do so.

Mr. Lewis: Despite the fact that the tribunal may have a judge presiding over it?

Mr. J. T. TONKIN: Yes, but he would not be questioning the judge; he would be inquiring into a decision if he felt there was a need. Obviously he would exercise this jurisdiction very carefully indeed. However, it is desirable that the power should be available for him to exercise should he feel strongly that he should do so.

The next question is: How are these inquiries to be initiated? Either House of Parliament, by resolution, may call upon the ombudsman to investigate a matter

of complaint. Any committee of either House may also do that. Suppose a Select Committee was set up by this House and the recommendation of the committee was that the ombudsman should be called upon to make inquiries into the matter. In those circumstances the commissioner is empowered to carry out the inquiry. He may be activated as a result of a letter received from any person or body of persons. It is necessary to make provision for the case of an aggrieved person who becomes deceased before any communication can be made to the ombudsman. In that case the personal representative of the deceased is empowered to make representation to the ombudsman to initiate the inquiry. Power is given to the commissioner in his discretion to refuse to investigate any complaint made to him.

Mr. O'Neil: As I understand it, a resolution of either House of Parliament may require the parliamentary commissioner to carry out an investigation?

Mr. J. T. TONKIN: That is right, a resolution of either House, or a committee of either House.

Mr. O'Neil: So may an aggrieved person, or a representative of that aggrieved person?

Mr. J. T. TONKIN: Yes.

Mr. O'Neil: What if the representative of the aggrieved person is a member of Parliament? When a constituent complains to a member of Parliament, can the member pass the buck to the parliamentary commissioner?

Mr. J. T. TONKIN: If he wishes, yes. The commissioner will be given all the powers of a Royal Commissioner. Where he makes recommendations he may, if he thinks fit, send a copy of his report and recommendations to the Premier of the day. Where he does that he then may, if he wishes, lay before each House of Parliament a copy of such report. So he has discretions in this matter. If he believes that the matter should be brought before the notice of the Premier—for example, it could be a matter in which he has failed to get the redress from a department which he feels he should get, and the Minister concerned will not make a move even though the matter has been brought to his notice—the ombudsman is given the power in his discretion to make a recommendation to the Premier. He is also given the discretion to make a report to Parliament if he sees fit. So there is the added safeguard against the case of a department or a Minister refusing to take action.

The departmental head or the Minister will be aware of the fact that he just cannot sit on a question and do nothing because the possibility is there that the matter will be reported to the Premier and also to the Parliament. These are

safeguards against any possibility of the requests of the commissioner being ignored.

In any event, there shall be an annual report of the ombudsman before Parliament. In that report he will deal with the number of cases which have been referred to him, those in which he felt it was necessary to conduct an investigation, and those in regard to which he felt there was insufficient justification for further inquiry. All this information on the activities of the commissioner will be supplied to Parliament annually. I think I have covered the essential features of the Bill.

I repeat that personally I feel a great deal of satisfaction on having reached this stage after so many years of trying. I have no doubt whatever that if the Parliament passes this Bill and we succeed in getting a suitable and competent person to fill the office, no attempt will be made by any Government in the future to discontinue the office.

We will follow what has happened in all other places where an ombudsman has been appointed. He will be a guarantee to the members of the public that genuine complaints will be properly investigated, and as far as is possible redress obtained, even in some instances after the unfortunate death of the person who has suffered injury.

I think the Bill has everything which should commend itself to members, and I have the greatest pleasure in asking that it be passed.

Debate adjourned, on motion by Mr. O'Neil.

Message: Appropriations

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

STAMP ACT AMENDMENT BILL (No. 2)

Second Reading

MR. T. D. EVANS (Kalgoorlie—Treasurer) [4.33 p.m.]: I move—

That the Bill be now read a second time.

This is the first measure required to implement the revenue proposals which I outlined when presenting the Budget. I have already explained the reasons for this measure so I will not repeat them.

The Bill contains two stamp duty proposals for increasing revenue. These are—

Raising the stamp duty imposed on cheques from 5c to 6c.

Increasing the stamp duty on marketable securities such that duty on share transfers will rise from 20c per \$100 of consideration payable by both buyer and seller, to 30c per \$100 of consideration on each transaction.

The first of these proposals needs no further explanation.

The second requires a number of amendments to the Act to cover the various types of transactions. Where transactions are not conducted through a broker, the transfer document is to attract duty of 60c per \$100 of consideration. If the consideration is below \$100, the rate is to be 15c for each \$25.

Where transactions are conducted through brokers, the buying broker pays duty to the commissioner as does the selling broker. In these cases the rate payable by each broker is to be 30c per \$100 of the consideration.

As two amounts of 30c per \$100 are paid on each transaction—that is, 30c per \$100 by the buyer and 30c per \$100 by the seller—the total rate is the same as for transactions not conducted through a broker. The amounts paid in duty by brokers are passed on to their clients.

As for other transactions, provision is made for payment at proportionate rates for transactions through brokers where the consideration is less than \$100.

Another type of transaction is the transfer of shares in co-operative and provident societies which at present attract duty at the rate of 10c per \$25 of consideration. It is proposed to raise this rate to 15c per \$25 in conformity with other proposed increases.

The revenue yields from this measure included in the Budget are based on operation on and from the 1st November of this year, and it is intended to bring the new rates into operation on that date.

It is estimated that the following additional collections will be received:—

From cheques—\$340,000 in 1971-72 and \$510,000 in a full year.

From share transactions—the amount is expected to be \$420,000 in 1971-72 and \$630,000 in a full year.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. O'Neil.

MOTOR VEHICLE (THIRD PARTY INSURANCE SURCHARGE) ACT AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Treasurer) [4.38 p.m.]: I move—

That the Bill be now read a second time.

This small Bill is the second measure required to implement revenue raising proposals outlined in the Budget. It will increase the third party insurance surcharge from \$2 to \$5 per annum. The rate applicable to broken periods is to be increased proportionately from 17c to 42c per month.

It is proposed to bring the new rates into operation on and from the 1st November of this year, and the estimated revenue to be obtained in this financial year is based on this commencing date.

This measure is expected to yield \$933,000 additional revenue in 1971-72, and \$1,400,000 in a full year.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. O'Neil.

ENVIRONMENTAL PROTECTION BILL

Second Reading

MR. J. T. TONKIN (Melville—Minister for Environmental Protection) [4.42 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill is to introduce effective legislation for the protection of the environment of this State. It has taken a great deal of time and a lot of work in preparation. It has involved many meetings of departmental officers, so that differences of opinion could be reconciled and a Bill which would meet the wishes of the Government could be prepared. I think we have achieved that, and I believe I am entitled to claim that, if the Bill is passed in the form in which it is being presented, there will be no better legislation anywhere in Australia than we will have in Western Australia for the purpose for which it has been designed.

The protection of the environment will be effected—

- by the establishment of four environmental protection bodies, and
- by providing these bodies with the appropriate authority to ensure the control of pollution and the preservation of our natural environment.

This Bill establishes four environmental protection bodies. These are—

- the environmental protection authority consisting of three members;
- the Department of Environmental Protection within the Public Service;
- an environmental protection council of 14 members; and
- an environmental protection board which will consist of three members and will vary from occasion to occasion.

Members on both sides of this Assembly are well aware of the upsurge of public awareness and concern for the protection of the environment. There is no need for me to elaborate on this in detail.

I think it is fair to say that during the debate on the Physical Environment Protection Act of 1970 we were all agreed on

the necessity for the introduction of legislation that would enable the Government to take effective steps to control all forms of environmental degradation.

Since then, the rising tide of public and scientific opinion has strengthened the arguments in support of legislative control of matters affecting the quality of life. This public concern is very real and, on many subjects, it is very justified.

As Premier and Minister for Environmental Protection, I have seen how many facets of Government actions as well as how many actions by nongovernment groups or individuals are matters relating to environmental protection.

It was the wide-ranging aspect of environmental protection that concerned the present Government, then in Opposition, when it debated the Physical Environment Protection Bill last year. We felt then that the proposed legislation was simply not adequate to cope with the needs of the task.

That is the reason we did not proclaim the previous Bill. Our Government has, however, taken positive steps and established the Department of Environmental Protection under the control of the Director of Environmental Protection, as appointed by the previous Government. The director has taken an active part in advising the Government on many aspects of environmental problems that have arisen—and indeed many that we inherited—since we took office.

In formulating this legislation, we considered that what was required was a Bill which would give an environmental protection agency the required powers and authority to protect our environment in the manner we regard as essential. That is what we have chosen to do with this Bill.

The Bill, therefore, will enable the Government to—

- take positive action to control environmental degradation;
- establish environmental protection policies that will set acceptable standards for the present and for the future;
- invoke public opinion as and when necessary; and
- provide avenues of appeal in appropriate cases.

There is a great and fundamental difference between the previous Bill and that which I present today. This Bill provides for the establishment of a statutory authority, the environmental protection authority. The environmental protection authority will have powers to act and powers to protect the environment. There were no such powers in the previous Bill.

The authority will consist of the Director of Environmental Protection and two other members, of whom at least one shall be

a person with a knowledge of, and experience in, environmental matters. Membership of the authority will be of a standard and public stature as befits the very important role which this body will play in planning present and future activities of the State.

The environmental protection authority will have real power to protect the environment. The powers of the authority are widespread and range from the specification of standards and criteria to the publication of model by-laws for adoption by local authorities. The vital role which local authorities can play in environmental protection is fully recognised by us.

The environmental protection authority will also be responsible for the co-ordination of all activities as are necessary to protect, restore, or improve the environment in the State. This is a very real and positive approach which will actually seek to improve and not merely protect the environment in ways that the authority regards as necessary and practicable.

Power to "correct" is all very well, but we believe that in the long term the authority must do better than that. It must act to "restore" and "improve"; it must be positive in its approach to existing and future problems of environmental degradation.

One of the most important functions of the authority will be to formulate State environmental protection policies. These will be far-reaching, and so can affect both the Government and the individual. Because of this, we also provide for further environmental protection bodies.

In order that the authority may function effectively and obtain the best possible advice and guidance from a specialist body, provision has been made for the appointment of an environmental protection council. Whilst the role of the council is primarily that of an advisory body, it is by no means subservient to the authority.

Provision has been made for the council to advise the authority on any matters relating to its responsibilities, functions, or powers. It is not necessary for the council to wait to be invited to offer this advice. The council may offer advice to the authority irrespective of whether the matter has been referred to the council for its advice. In addition, should the council see fit to submit a recommendation on any matter the subject of council inquiry, it is empowered to submit the recommendation direct to the Minister.

In consideration of the membership of the council, we believe that it is more important to have the right people on the council rather than prescribe too rigidly representation of particular interests. Accordingly, membership of the council is not spelt out in detail at this time. How-

ever, we have decided that there will be one representative of each of the following:—

- local authorities;
- persons engaged in secondary industry;
- persons engaged in the extraction and primary processing of mined material; and
- persons engaged in other forms of primary industry, for example, agriculture.

There are seven representatives of State Government departments and State instrumentalities. These representatives might well be chosen from the following departments:—

- Public Health Department
- Forests Department
- Town Planning Department
- Department of Fisheries and Fauna
- Department of Industrial Development and Decentralisation
- Department of Mines (co-related activities)
- Public Works Department, Metropolitan Water Supply Department (Engineering and Water Supplies Group)
- Lands Department, Department of Agriculture (Land Utilisation Group)

However, rather than have the present legislation bind us and restrict our choice of the best men available, the actual representation is not spelt out in the Bill.

The two members who are not employed by the Crown in right of the State, and hence represent the general public, shall both have a special knowledge of, or experience in, environmental protection. It might be thought that reduction of the number of representatives of the public from three to two would dilute its influence. This is not so because, as I will outline later, this Bill provides for an extremely extensive amount of public access to decision making as regards environmental protection.

It will be noted that this council bears some similarity to the council proposed under the Physical Environment Protection Bill of 1970. However, there are differences in representation, and these differences are intended to provide a more effective representation from the important, and indeed vital, areas of secondary and mining industries.

And so we have created an authority and a council—both with positive powers, and with clearly defined roles. But while we provide for the authority to set environmental protection policies, we recognise that, inevitably, there will be occasions when some policies will cause some persons or organisations to feel aggrieved.

Therefore, in order to reduce to a minimum cases of hardship resulting from the implementation of environmental protection policy, this Bill provides for a right of appeal—

Prior to the declaration of policy. This appeal will be to a special board.

Each environmental protection appeal board will consist of three members, and membership may vary from subject matter to subject matter. However, at least one of these persons will be a person with legal experience of not less than seven years' duration.

The role of the appeal board on a particular topic is to ensure that before the Governor proclaims an environmental protection policy, any potentially aggrieved party may duly present his case. The board will act according to the substantial merits of the case and may inform itself on any matter in any manner it sees fit. The board may—

- confirm the proposal,
- set aside the proposal, or
- vary the proposal.

Subject to matters of law, the determination of the appeal by the board is final and shall be given effect.

The fourth body set up is the Department of Environmental Protection. This will be a branch of the Public Service, and its role will be to assist the environmental protection bodies in their activities. Administration of this department will be carried out by the authority, subject to the Minister. Staff growth of the department is being studied. The authority is to be provided with the power to make use also of specific expertise of other than members of the department itself.

We have given a great deal of consideration to the powers of the environmental protection authority and to its role with respect to the roles of the duly constituted Minister and Cabinet. This is a very difficult problem to resolve, and one which is confronting many legislative bodies around the world. The cause of the difficulty is that the environment is affected by anything and everything that we do. It is all-pervasive.

As the definition of the Bill states, "environment" means the physical factors prevailing in the State, including the land, water, and the atmosphere. It also includes the social factor of aesthetics and all factors affecting animal and plant life. Therefore, environmental protection is of vital concern to the people of the State. The question is: Just because the environmental protection authority is the coordinating authority in such an all-pervasive matter, should it be the final body to decide on policies and the implementation of policies?

Such a power traditionally belongs to a duly constituted Cabinet. The question to be posed is then: Should a freely-elected

Government abrogate in part its constitutional rights just because environmental protection is so vital? This is a paradoxically stressing question, but we believe that we have found the answers to that question in this Bill.

Cabinet will retain its constitutional obligations, while the environmental protection authority becomes a watchdog—and I would even say a watchdog with big teeth, since that phrase is fashionable today—in matters of environmental protection.

How does the environmental protection authority interact with the Ministers and with Cabinet so that all fulfil their appropriate obligations? There are four specific parts of the Bill which answer this question. These are—

- one part referring to the Minister for Lands;

- one part to the Minister for Mines;

- one part to several town planning authorities; and

- another part referring to any Minister.

For example, we have the situation where the authority requests particulars of either specific mining applications or else classes of such applications. The Minister must comply with this request.

The authority then recommends to the Minister what actions it regards as desirable from the environmental protection point of view. Let us suppose it recommends against the applications.

Now comes the critical matter. What does the Minister for Mines do next and is he bound by the recommendation of the authority? Firstly, the Minister cannot proceed with the matter until he receives the recommendation of the authority. So in this way the deliberations of the authority can be duly made and considered.

However, the Minister for Mines may well find overwhelming reasons why he should go against the recommendation of the authority. He may have reasons of economic development of the State or the like. That is his job to decide such matters, utilising advice of officers of his department.

The environmental protection authority, in turn, has its job to do. Therefore, it is empowered to make its recommendation public. If the need is there, then Cabinet can fulfil its collective responsibility and make a final judgment as to what is in the long term and the short term best interests of the State.

A cynic might say that mere publicity of an adverse recommendation by a respected authority will not greatly influence a Minister. I will not argue that here since time will tell in this and succeeding Governments.

Mr. Lewis: Couldn't a Minister make up his mind that a certain proposition was in the interests of the State, although he

knew the environmental protection people were looking at it? Whatever the report, he could believe that he should go ahead and may obtain Cabinet approval to go ahead, even before the report is furnished.

Mr. J. T. TONKIN: I suggest that any Minister who did that would stick his neck right out.

Mr. Lewis: His Cabinet would be with him.

Mr. Jamieson: It would be an administrative decision in that case.

Mr. J. T. TONKIN: The matter under consideration will be the subject of a recommendation by the environmental authority in the first instance.

Mr. O'Neil: I think the Premier said that a Minister could not move until he obtains that.

Mr. J. T. TONKIN: No, he has to obtain that before he can go ahead. If he wishes to disregard it because he has very strong reasons for so doing, the authority, if convinced it is right, can make its decision public.

Having regard to our experience in this House in the last few days I can just imagine what an Opposition would be doing with a Minister who was flying in the face of an adverse recommendation from the environmental authority.

Mr. O'Connor: It would probably be mentioned I would think.

Mr. O'Neil: I think the Deputy Premier looks very well indeed!

Mr. J. T. TONKIN: I will leave that to future experience to show just what will happen in those circumstances. Let us proceed.

Let us examine for a moment whether the environmental protection authority is potentially subject to repeated defeats of the type mentioned earlier, and whether it is hopelessly devoid of power as a consequence. With this Bill, the answer is clearly in the negative.

It is provided that the Minister shall, upon the recommendation of the authority, appoint a committee to hold a public inquiry. This committee shall have all the powers, rights and privileges equivalent to a Royal Commission. Therefore, the environmental protection authority, in a policy matter which it considers of vital concern, can, at its discretion, call for the matter to be investigated by the equivalent of a Royal Commission. In view of the cost and time factors of such an inquiry, the authority will not exercise this power lightly. But it does have this power, and the Minister is bound by it.

It might be asked why the Ministers, for Lands, Mines, and Town Planning have been singled out while other important Ministers are referenced only generally in the Bill. The reason is a simple one. The

Departments of Lands, Mines, and Town Planning handle a very large number of transactions from day to day.

It is sometimes suggested, for example, that the environmental protection authority should review all mining claims. This would be ridiculous. There are about 15,000 mining claims per annum—a considerable burden on any department. Intrusion by the environmental protection authority into every such claim would cause both the authority and the Mines Department activities to grind to a halt.

Mr. Rushton: Why not special attention to the Department of Industrial Development?

Mr. J. T. TONKIN: For these three departments, most transactions are of such a scale or size that they are not particularly significant from an environmental protection point of view. Only an occasional one is sufficiently large or significant that it should be referred to the environmental protection authority.

That is the reason only selected matters and classes thereof requested by the authority must be referred to it from the Ministers for Lands, Mines, and Town Planning. The authority will decide what matters will be referred to it.

By contrast, decisions of the Minister for Industrial Development and Decentralisation and other Ministers more generally entail large and significant projects. Therefore, it is provided to cater for all such projects separately.

Provision is also made for the contingency where a project may not be known to the authority. If there is a development of any type which has significance as far as environmental protection is concerned, the relevant Minister shall submit details of this to the authority for its recommendation. This differs from the legislation passed last year where the Minister could, at his discretion, refer or not refer such matters to the council.

The authority, while being powerful in matters of environmental protection subject to the Government representing the people, might be thought to be potentially dictatorial in nature. In fact, it is nothing of the kind. The amount of public access to the authority, the possibilities of public inquiries, the role of the appeal boards, and the public representation on the council, all indicate that the authority must act with all due responsibility.

For its own part, also, the authority has the right to make public at its discretion, such facts—other than, of course, trade secrets and the like—which it deems of value for public record.

The maximum available resources of public and professional knowledge and opinion can be utilised in this dual manner, with the council playing an active and important role.

The right of the public, where responsible groups are involved, to make considered statements about environmental protection is recognised. Such statements can be made to the authority in different ways. For example, the public representatives on the council can serve as one such avenue.

Another opportunity is provided either before an appeal board, or at a public inquiry. The public, of course, can also turn to its duly recognised legislative representatives, who can avail themselves of the recognised methods of democracy.

It might be asked why this legislation does not include specific actions such as—

Creating this area or that a reserve of a particular class; or

Incorporating the direct administration of relevant conservation boards.

The reason is simple. This legislation is intended to give the environmental protection authority the right and the power to—

Review all aspects of recommendations on reserves and environmental protection; and then

To take such steps as it deems necessary.

These steps may involve a straight recommendation to the Government about a particular area or topic. With the overriding powers granted, the authority may take any steps it deems necessary to—

Reserve a particular area; or

Incorporate control of a body currently concerned with a given area.

Alternatively, upon consideration of the legal and administrative details, it may deem it more desirable to recommend that existing legislation be modified so that an existing body is empowered to take adequate steps for environmental protection.

Such reviews will be one of the first major tasks of the authority. These will ensure that our precious natural heritage is preserved in the best possible manner for today and for generations not yet born.

Not only reserves but also industries are involved in environmental protection. Therefore, the relevance of decentralisation to environmental protection is quite significant.

A simple way of looking at this is to consider that nature, given the opportunity, will recycle and re-utilise many waste emissions. However, there is a limit to what natural processes can do at any one location as far as reclamation is concerned. The point is that if there is too much

industry or other activity in a particular area, the natural regenerative cycles may be overloaded and rendered ineffective.

By decentralisation, one can lessen the localised load on nature and thus give to natural processes the opportunity to effect environmental protection.

The question will undoubtedly arise as to the amount of time which is involved in various actions by the authority, the council, and the appeal boards. The major declarations of State environmental protection policies can be examined in this regard.

After the declaration of intent to propose a policy has been made by the authority, time is needed to advertise the intent, receive any objections, and review them. In the event of general agreement as to the policy, the policy could be recommended to the Government two months after notification of intent and then gazetted some two weeks later. In other words, it could take about two or three months before a policy is gazetted.

However, if it is found necessary to hold a public inquiry or to hear deliberations before an appeal board, the time before a policy would be gazetted is considerably extended and could probably be some five or six months.

It will be seen, therefore, that a considerable period of time may elapse before a policy is gazetted. Nevertheless, this period of time is commensurate with the importance of State environment protection policy which concerns not just present generations, but also a sensible, orderly, and democratic process of planning for generations to come.

If a matter is truly one of urgent protection of the environment, then through its powers to co-ordinate and engage the assistance of other persons and agencies, the authority can act with appropriate speed.

One of the major questions that may be asked about this legislation is this: Just what is meant by a State environmental protection policy? I propose to go beyond the definition already contained in the Bill, and actually give some possible examples.

I have deliberately chosen matters of considerable public debate. By doing this, some may choose to believe that my Government has resolved already that one will actually become a State environmental protection policy. This is not the case at all. These are chosen merely as examples of how this legislation can lead to Parliament being fully informed. This involves specifically aspects of environmental protection being clarified and enunciated before a new major project which could have significant environmental effects is begun.

To prove that these are only examples, and not yet policy, I have selected highly contentious samples that alternatively favour one group loosely called "conservationists," and one group loosely called "industrialists," or "developers."

I have chosen extremes of each kind, which might delight one group and infuriate the other. This again is to illustrate one function of this legislation; namely, to effect a compromise between the extremes in matters of environmental protection, a compromise decided upon duly, rationally, and fairly. I will even give an example of one such compromise—but again without prejudging the case—and certainly without arguing each side of the case. That will be done by the authority.

Suppose we make the example the controversial one of mining on reserves. Let us suppose that State environmental protection policy was: On any class of land reserve whether it be Class "A," "B," or "C," or any other, there will be no right of entry with a view to exploration, and no pegging or mining.

This might delight some people, I suppose, but I suggest that it would infuriate many more. Also, since there are some 25,000 reserves, it would prove difficult to police.

So let us take the opposite extreme. Let us suppose that State environmental protection policy was: There can be mining on any reserve, of any class whatever. This might delight some people, I suppose, but I suggest that it would infuriate many more.

So what might a compromise be? State environmental protection policy could be: There should be no mining, or no mining exploration, or no mining right of entry, on Class "A" reserves without the consent of Parliament.

These would be possible compromises, or balanced assessments of what is sensible and desirable from an environmental protection point of view. There are others possible.

It will be the role of the environmental protection authority, under this legislation, to determine the optimum compromise from the point of view of environmental protection. The authority will then declare State environmental protection policy for particular cases. It will do so with the support and assistance of the other bodies and organisations discussed in this legislation.

Bear in mind also that the authority can declare an environmental protection policy for chosen areas of the State of Western Australia. So, in its statement of policy it may add the recommendation that this or that area be declared a reserve of a particular type.

Members are not unmindful either, I am sure, that there will be legislation to amend the Mining Act introduced by this Government at a later date. That will contain due cognisance of possible State environmental protection policies. Furthermore, currently in many cases, mining tenements are granted subject to specific restoration and rehabilitation conditions. The importance of mining to the economic well-being of this State is well known to this Government. But so too is the importance of environmental protection. This Bill covers not only conservation of lands but also adequate supervision of pollution and waste emissions. The Bill provides for inspection of areas whether licensed or not, which are suspected of contaminating the environment to a significant extent. Duly appointed responsible analysts shall determine accurately and reliably the extent of any such pollution. This protects the public or the industry involved and ensures that any judgment by the authority is based upon accurate information.

It is essential to realise in any discussion on environmental protection that it cannot be achieved overnight. Instead this is a matter for long-range planning and, indeed, for planning generations in advance.

Consequently, one of the key roles of the environmental protection authority will be the dissemination of information and the education of the public in matters concerning environmental protection. In this way, the public and each individual can be fully informed as to the consequences of this or that particular development or act.

The fundamental and critical single factor which must be borne in mind in considering this legislation is that it must be realistic. It must take account of what we are, what we have, and what we want to have, for ourselves and for generations to come. Therefore, this legislation must be balanced. It must achieve a balance between technological extremism, and conservation extremism.

This must be legislation that recognises both the comforts that technology can provide us, and the comforts that nature can provide us. The first can be measured in gross dollar values, but the second cannot so easily be measured. But a balance of the two is essential if we are to have desirable qualities of life. The authority can assess this balance and so advise the Government.

One must be realistic about penalties and these have a place in the legislation. In much of existing legislation on matters concerning the environment, the penalty for an offence has often been so small and also applicable only once, that a large industry or wealthy body could virtually ignore it. However, in this Bill there is a

significant fine for the first offence, namely \$500. There is also provision for a continuing daily penalty for every day the offence continues after the offender is convicted.

This constitutes a reasonable and realistic penalty in order to ensure adequate environmental protection; and yet this legislation has not only to be realistic and practical. Because it pervades the very essence of our being, this legislation on environmental protection has to have a philosophy behind it. The details of the philosophy will no doubt vary from person to person, but essentially we must answer fundamental questions. These questions are—

Are we acting responsibly while we utilise the finite resources of this lonely planet?

Are we acting not only in our own immediate selfish interests, but

Are we looking ahead for the well-being of future generations?

These are questions which have been to the fore in the preparation of this legislation.

Therefore, we have confronted the dual facts of practical reality and intellectual thoughtful philosophy. Accordingly, the legislation recognises the existence of operative Government and other bodies already actively working on environmental protection, and does not propose to usurp any such powers of licensing authorities. It may be that in the future the authority may need to have licensing powers. The Government has decided that this is not necessary immediately.

Many groups in the State are involved in environmental protection. The Department of Public Health administers the Clean Air Act, the Department of Fisheries and Fauna administers fauna conservation, and so on. The present legislation recognises the expertise and administrative functions of these groups and does not change them in any way. It is therefore realistic in acknowledging such powers as presently exist in the State. However, the legislation takes into account the fact that the historical amendment piecemeal of this or that particular Act is not enough. What is required is a broad overview which can ensure that in this critical matter of environmental protection nothing "drops between the cracks" separating the specific interests of the various Government departments.

In this matter, the role of the authority in recommending changes in legislation is vital. This legislation therefore is general in some aspects and particular or specific in others. It is general in that it provides the opportunity for full public information and for the declaration of State Environmental policy on varied matters. But it is

also specific as to what steps should be taken so that effective environmental protection legislation can be implemented.

While one can be philosophical about policies, one is realistic about penalties. Both have their place in this legislation.

In summation, I want to say that long ago it was pointed out that man is midway between the infinitely large and the infinitely small. Too little light and he cannot see, but too much light and he is dazzled. Too little sound and he cannot hear, but too much sound and he is deafened.

So it should be with environmental protection. Too much protection and one is stultified, but too little protection and one is lost in a rubbish dump.

I commend this Bill to the House.

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

Message: Appropriations

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

LOAN BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Treasurer) [5.33 p.m.]: I move—

That the Bill be now read a second time.

A measure of this kind, being the Loan Bill, is introduced each year to authorise the raising of loans to provide finance for the works and services detailed in the Estimates of Expenditure from the General Loan Fund.

When speaking to the Appropriation Bill (General Loan Fund) last week, I gave details of the capital works programme to be undertaken this year. I will therefore confine my remarks, on this occasion, to certain aspects of loan raisings.

The public borrowings of the Commonwealth and each State Government are co-ordinated by the Australian Loan Council which is constituted under the 1927 Financial Agreement between the Commonwealth and the States.

The Loan Council determines the annual borrowing programmes of the Commonwealth and the States, together with the terms and conditions under which loans are to be raised.

Subject to the decisions of the Loan Council, the Commonwealth arranges new borrowings, conversions, renewals, redemptions of existing loans, and the consolidation of the public debts of the Commonwealth and State Governments.

The Loan Council also determines the aggregate borrowing programme of semi-governmental and local authorities raising more than \$300,000 in a year, under what is known as the "Gentlemen's Agreement"

originally entered into in 1936. Individual loans raised by each of these authorities are subject to Loan Council approval.

Since the 1962-63 financial year the Loan Council has not set an overall limit on the borrowings of authorities raising \$300,000 or less in a year.

For the financial year 1970-71, the Loan Council approved a borrowing programme of \$623,000,000 for State works and housing projects which was financed from—

Cash loans in Australia	\$ 320,000,000
Special bonds in Australia	73,000,000
State domestic raisings	15,000,000
Overseas loans	15,000,000
Commonwealth subscriptions to a special loan	200,000,000

In addition, the Commonwealth provided the States with an interest-free capital grant of \$200,000,000 financed by a contribution of \$117,000,000 from the Consolidated Revenue Fund of the Commonwealth and the issue of Treasury notes totalling \$83,000,000.

At the June, 1971, meeting of the Loan Council, the 1971-72 State works and housing borrowing programme was fixed at \$650,200,000. In addition, the Commonwealth Government agreed to provide \$209,800,000 by way of interest-free capital grants to finance nonproductive capital works, such as schools and police buildings. Western Australia's share of the borrowing programme is \$60,720,000 and we will receive an amount of \$19,600,000 as an interest-free capital grant. Details of the allocation of the grant are shown on pages 13 and 15 of the Loan Estimates.

The borrowing programme for semi-governmental and local authorities raising amounts in excess of \$300,000 was fixed at \$426,700,000, of which Western Australia was allocated \$24,600,000.

Authority is being sought to raise loans amounting to \$74,200,000 for the purposes listed in the schedule to the Bill.

It is to be noted that provision has been made for authority to raise up to \$10,000,000 by way of short term advances, to meet expenditure pending the receipt of revenue. This authority is sought to enable the Government, if the need arises, to apply to the Commonwealth for issues of Treasury Bills for this purpose. This provision does not foreshadow any new practice, but merely replaces an authority which was a regular feature of our legislation until it was eliminated in error by the Statute Law Revision Acts of 1965 and 1970.

I should point out that the new authority provided for each item does not necessarily coincide with the estimated expenditure for that particular item during the current year.

Unused balances of previous authorisations have been taken into account and in the case of works of a continuing nature,

sufficient new borrowing authority has been provided to permit these works to be carried on for a period of approximately six months after the close of the financial year.

This is the usual practice and it ensures that there is continuity in the progress of works, pending the passing of next year's Loan Act.

Details of the condition of various loan authorities are set out in pages 12 to 15 of the Loan Estimates. These pages also detail the appropriation of loan repayments received in 1970-71.

Provision for the payment of interest and sinking fund is another important authorisation in the Bill. It charges these payments to the Consolidated Revenue Fund and no further appropriation is required from Parliament.

I commend the Bill to members.

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

Message: Appropriations

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Treasurer) [5.42 p.m.]: I move—

That the Bill be now read a second time.

The object of this Bill is to give effect to recommendations of the Law Society and the Barristers' Board.

The society's submission is aimed at improving control over practitioners' trust accounts and thereby protecting the public.

It is fair to say that the history of the legal profession in this State has been a good one and there is no reason to doubt that this record will continue in the future.

However, the council of the society having in mind one serious defalcation appointed a subcommittee to examine the matter thoroughly as a result of which recommendations have been made for amendments to the Act.

The Barristers' Board is to be empowered to appoint and authorise an accountant who is a registered company auditor or approved by the Minister under the provisions of the Land Agents Act to examine without notice a practitioner's books of accounts. The board will promulgate rules to regulate the manner in which trust accounts are to be kept.

Before an annual practice certificate is issued to a practitioner a certificate from an accountant with the qualifications referred to previously is to be provided that the books of account relating to the trust account have been kept in accordance with

the rules and that the prescribed amount of trust moneys has been deposited to the credit of the legal contribution trust.

These recommendations were made after the council had considered the practicability of compulsory audit. Investigations indicated that in the few cases concerned defalcations had commenced at a point where the practitioner was keeping his trust account in a disorderly manner. It was thought also that the existence of a power in the Barristers' Board to order an audit or examination without notice would be a sufficient deterrent to the few who are likely to be dishonest.

A further amendment is proposed to delete the maximum fee of \$20 now prescribed for the issue of the annual practice certificate. The figure has remained unchanged since 1926. Funds received from this fee are applied for the purposes of the board and the greater part used in the purchase of books for the central library maintained for the benefit of legal practitioners. The amount of the fee can be safely left for determination by the board.

It is interesting to note that the fee at the present time has not reached the maximum. It is \$16.80. However, a maximum fee is provided and the Barristers' Board has strongly recommended that no maximum be provided but that the amount be prescribed from time to time.

Existing provisions of the Act prohibit an articulated clerk from holding any other office or engaging in any other employment. From time to time the board is confronted with a situation in which it would be disposed to relax the requirements but is powerless to do so. Recently it received a submission from a member of the Commonwealth House of Representatives who had just completed a brilliant law degree and who is anxious to undertake articles to complete the requirement for his admission to the profession. The amendment recommended by the society and the board will provide authority to deal with such applications on their merits.

The proposed amendments are recommended for favourable consideration. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Mensaros.

FIRE BRIGADES ACT AMENDMENT BILL

Second Reading

MR. TAYLOR (Cockburn—Minister for Housing) [5.47 p.m.]: I move—

That the Bill be now read a second time.

The previous Government agreed that all Acts of the Western Australian Parliament which are of general application were to be reprinted and in September, 1970,

the Parliamentary Draftsman pointed out that the Fire Brigades Act, 1942-66 was required to be reprinted pursuant to the Amendments Incorporation Act, 1938. In order that the Act could be reprinted, it was necessary as a measure of Statute law revision and to bring the Act up to date to make a few formal amendments.

The definition of "Minister" in section 4 of the principal Act is deleted as, in view of section 4 of the Interpretation Act, 1918, it is not required.

Necessary consequential amendments are made to section 5 of the principal Act for the introduction of the new second schedule. The second schedule to the Act, wherein are set out the fire districts that are constituted under the Act, is brought up to date.

The fire districts may, under section 5 of the principal Act, be constituted and changed from time to time by Order-in-Council, and this has been done to such an extent that the second schedule as it is now set forth no longer represents the true position.

The second schedule was last brought up to date in 1959 and refers to "road districts" which no longer exist since the passage of the Local Government Act, 1960. The schedule should again be brought up to date if the reprinted Act is to represent the correct position.

The third schedule is also amended to make the changes listed realistic in the light of present-day circumstances.

Section 65 of the principal Act empowers the board to make charges for the attendance of brigades at—

- (1) fires on uninsured property, and
- (2) grass and rubbish fires;

and the third schedule prescribes the maximum charges to be levied. The schedule has been unchanged for at least 30 years.

While the board is empowered to make these charges over a wide range of fires, it has not operated under section 65 of the Act in recent years, and its intention in having the schedule amended is limited to the making of adequate charges for the attendance of brigades at large fires on uninsured property.

Before suggesting the review of the third schedule, the board investigated charges in the Eastern States and found that they had been updated. In actual fact, the schedule proposed in this Bill is identical with the charges currently made by the Metropolitan Fire Brigade Board, Brisbane, under a schedule in its empowering Act.

For the information of the House, I would advise that the definition of "Minister" being deleted is given as the Minister of the Crown charged with the administration of the Act.

Also, in the event of there being some doubt in relation to the purpose and use of appliances used by fire brigades, it is advised—

Turntable Ladder or Snorkel—Aerial.

A snorkel fire appliance is a hydraulic elevating platform. It enables firemen to position a "cage" to windows of buildings to rescue occupants, and discharge large quantities of water at high levels on and into buildings and foam on to large oil tanks. It is indispensable to the technique of preventing spread of fire at high level from one building to another.

Hydraulic turntable ladder fire appliances are able to operate as water towers and rescue appliances in areas up to 100 feet in height which are inaccessible to snorkel appliances. They can also be used as cranes.

Pumps

A variety of pumping appliances are available designed for special tasks.

Generally, 750 gallons per minute and upwards are required for major fire situations; 500 gallons per minute are required for the run-of-the-mill fire engine which deals with the small fire situation in the singular, and collectively for the major situation.

Under 500 gallons per minute are in the main, fitted to bushfire fighting engines and water tankers.

Other vehicles

Not classified as fire engines are utility vans, small trucks, station sedans, and the like.

Equipment

Hose means flexible tubes in 100-ft. lengths used for transporting water under pressure from pumps and hydrants to fires.

Fire extinguishers range from two-gallon water or foam units to 20 lb. dry chemical units.

Knapsack spray: knapsack tanks consist of five gallon water containers attached to which is a simple reciprocating action hand-pump, producing a jet of water or spray.

Breathing apparatus: oxygen (per two-hour set), C.A.B.A. (per one-hour set) worn by firemen in smoke-laden atmosphere.

C.A.B.A. is an abbreviation for compressed air breathing apparatus.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. Thompson.

INHERITANCE (FAMILY AND DEPENDANTS PROVISION) BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Treasurer) [5.54 p.m.]: On behalf of the Attorney-General it gives me a great deal of pleasure to move—

That the Bill be now read a second time.

This Bill now submitted for members' consideration is an example of the need for a continuous programme of law reform. The laws must protect and serve the needs of the people and to satisfy this requirement studies must be made of the changes in social and economic conditions.

The Testator's Family Maintenance Act which is to be repealed and replaced by this Bill was first enacted in 1939. Since that time the provisions have been virtually unchanged so that the time is due to introduce new provisions to meet present-day conditions.

As with the Testator's Family Maintenance Act, this new legislation does not confer any right to share in an estate. The only right conferred is one to make an application to the Supreme Court for an order for provision of adequate maintenance and support of the family and dependants of deceased persons out of the assets of the deceased person's estate. However, the class of persons entitled to apply and the estates against which orders may be obtained have, by this measure, been widened.

The proposal to review this field of law arose in 1965 when the President of the Law Society of Western Australia proposed that the Testator's Family Maintenance Act be amended to increase the class of claimants from the surviving spouse or child of a testator to include the parents of the deceased, children of a deceased child of the deceased, and to extend the scope of the Act to include intestate and partially intestate estates.

The proposals were still being examined when it was decided to appoint a Law Reform Committee. The then Minister for Justice considered the matter was a suitable one for reference to the committee which was asked to report on the desirability of amending or enlarging the provisions of the Testator's Family Maintenance Act, 1939-62, so as to—

- (a) extend the right of application to new categories of persons;
- (b) permit applications for provision from estates in which there is a total or partial intestacy;
- (c) define more accurately the circumstances in which a distribution of the assets of an estate may be disturbed in order to sustain an order made under the said Act;

- (d) permit a variation increasing the provision made under an existing order.

The committee followed its usual procedure of preparing and distributing a working paper based on a programme of research by its legal officers into the laws applying to other jurisdictions.

It is considered that the society's attitude to the right of a man to dispose of his property as he thinks fit even beyond doubt has changed. There is now a feeling that a deceased is under some moral obligation to make provision for the maintenance, education, and advancement in life of persons who in the normal course of human affairs had a close personal relationship with the deceased. Unless provision is made there should be means to satisfy the court that some provision should be made.

The decision to extend the right of application against intestacies or partial intestacies is a logical one. The terms of a will may be irrational or immoral, but the same can apply where distributions of estates are made under a rule of law. For example, a wife who deserted her husband and children could take the whole of a small estate at the expense of the children maintained by the deceased. Such a case is not uncommon and the same redress should be available to deserving claimants in an intestacy as is given to claimants under a will.

The aim of legislation of this type is to do justice to dependants. For this reason it is proposed to continue the power of the court to vary the amount of periodical payments. Experience has shown that the powers have not been used extensively. Courts generally exercise such a power with caution and only when clearly called for by a radical change of circumstances. As with legislation recently submitted to deal with the granting of rights to illegitimates to share in the estates of deceased persons, protection must be provided for personal representatives.

Claims previously restricted to the surviving spouse and legitimate children may now be made from persons having a moral claim as well as the additional classes.

The Bill gives effect to the views of persons with experience in this field of law. It will overcome the obstacles which have prevented many persons from approaching the court to obtain some degree of justice where insufficient provision has been made by testators or where the arbitrary rule of distribution in intestacies has applied. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Mensaros.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. J. T. TONKIN (Melville—Premier)
[5.59 p.m.]: I move—

That the House at its rising adjourn until 4.30 p.m. Tuesday, the 5th October.

Question put and passed.

House adjourned at 6.00 p.m.

Legislative Council

Tuesday, the 5th October, 1971

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

BILLS (7): ASSENT

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

1. Pay-roll Tax Assessment Bill.
2. Pay-roll Tax Bill.
3. Firearms and Guns Act Amendment Bill.
4. Land Tax Assessment Act Amendment Bill.
5. Vermin Act Amendment Bill.
6. Noxious Weeds Act Amendment Bill.
7. Offenders Probation and Parole Act Amendment Bill.

QUESTIONS (14): ON NOTICE

1. NEW TAXES AND CHARGES

1959 to 1971

The Hon. S. J. DELLAR, to the Leader of the House:

During the term of office of the Liberal-Country Party Government from 1959-1971—

- (1) (a) What new taxes and charges were imposed; and
- (b) from what date were they operative?
- (2) (a) What taxes and charges existing at the date of assumption of office—1959—were increased during the period of office; and
- (d) what was the percentage increase in each case?

The Hon. W. F. WILLESEE replied:

A complete answer to this question would be very lengthy and take a considerable time to compile. Therefore, only the main variations of taxes and charges in the