The Hon. J. DOLAN replied:

(1) An additional stopping place for use by students attending Cannington Senior High School may be desirable, but bearing in mind the expenditure involved; the fact that the walking distance to be saved would be approximately thirty chains only; and the programme of other priority works; there is not, at least at the present time, sufficient justification for provision of this facility.

(2) Answered by (1).

(3) A current estimate is not available but will be taken out and the information conveyed to the Hon. Member as soon as possible.

4. MOTOR DRIVERS' LICENSES

Pensioners' Concessions

The Hon. N. E. Baxter for the Hon. T. O. PERRY, to the Minister for Police:

Will the Government give consideration to granting the holders of a miner's pension the same concession as aged pensioners in regard to a motor driver's licence?

The Hon. J. DOLAN replied:

Yes, providing invalidity or incapacity is a factor of retirement or the recipient would be entitled to an Age or Widow's Pension under the provisions of the Social Services Act.

5. ROYAL COMMISSION

Power to Subpoena Interstate Witnesses

The Hon. J. M. THOMSON, to the Leader of the House:

Although a subpoena was issued for the attendance of a witness to appear before the Royal Commission appointed to inquire into and report upon Wool Exporters Pty. Ltd. and associated companies, and his attendance could not be enforced as he was not a resident of Western Australia, what lawful provisions existed which enabled the witness to disregard the lawful requirement?

The Hon. W. F. WILLESEE replied:

As the witness was not present within Western Australia, there is no legal provision to enforce his attendance before the Royal Commission.

6. *This question was postponed.*

House adjourned at 4.51 p.m.

Legislative Assembly

Thursday, the 7th September, 1972

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

OLYMPIC GAMES: MUNICH TRAGEDY

Expression of Sympathy: Motion

MR. J. T. TONKIN (Melville—Premier) [11.02 a.m.]: I seek leave of the House to move a motion in connection with the tragedy which occurred at Munich.

The SPEAKER: The Premier seeks leave to move a motion regarding the tragedy which occurred at Munich. If there is a dissentient voice leave cannot be granted. There being no dissentient voice, leave is granted.

Mr. J. T. TONKIN: I move that—

This House deplores the brutal action by terrorists at Munich which has so shocked the world.

We extend our sympathy, first of all and most deeply, to the relatives and friends of those so cold-bloodedly slaughtered.

We think with compassion, also, of the Israeli nation and its leaders, on whom this tragedy has thrown such a heavy burden of sorrow.

We sympathize also with the people of the Republic of West Germany, who, through no fault of their own, have been made the focus of such cruel adverse notoriety in the closing stages of their magnificent Olympic presentation.

We sympathize with every man, woman and child alive today, wherever they might be, of whatever colour or creed, who—every one of them, inescapably—is denigrated in the most personal way by this dreadful act of terrorism.

We express the fervent hope that its aftermath might be a realisation of the course which unlicensed violence is taking, and a revulsion of such magnitude as to make the future safe from such brutal terrorism or anything like it.

I cannot imagine that there would be anybody, outside the persons who were responsible for this tragedy and those in their country of origin who support them, who would be other than horrified by what has taken place at Munich, and what has resulted in such a dreadful slaughter.

Nevertheless, the thought that violence should receive support seems to be rife in quarters where it should not receive such support. It seems that more and more people are accepting violence as something which has to be tolerated, and can be accepted. Not sufficient thought is being

given as to whether this violence will ultimately lead to the complete destruction of our standards, and whether human life will be held in such regard that people will end it the same way as snuffing a candle.

It behoves us to resolve that we, in this State abhor such a development. We regard what has taken place at Munich as a dreadful example of extreme sectarianism and a complete disregard for the sanctity of human life.

Whilst a resolution passed in this House will not have much effect on the individuals who resort to violence in this way, it may in some way help to focus the attention of others on the trend which is occurring. Our resolution might enable some move to be initiated which will result in outlawing those nations which resort to such tactics in order to gain the end which they are seeking.

I cannot imagine that anybody, anywhere, who has a fundamental training of the proper principles of behaviour, would condone in any way what has taken place at Munich. It is an event which will live long in the memories of people to remind them of the lengths to which some people will go in order to attain what they are seeking to achieve.

I express the hope that we will never again be called upon, in any way, to witness a similar event, and that what has taken place will so stir the world as to cause immediate action to be taken to outlaw completely all such barbarous actions.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [11.09 a.m]: I want to thank the Premier for his action in bringing forward this motion following a request I made yesterday, and I second it.

I do not intend to speak at great length. What the Premier says is acknowledged by us and I think by all thinking people as being the situation that we see in the world today. We have come to a sorry pass when, because insufficient consideration was given to certain developments over the last few years, we have had this shocking event which has rocked the whole world. Perhaps the fact that so many nations are gathered together in competition at this one time, and very many people from many nations are also gathered to watch the athletes, will have an impact which is far greater than some of the other incidents that have taken place, even though some have been more ferocious and diabolical in their final result.

We must admit that many people—some in high places—have condoned a form of demonstration and revolt which obviously one day would lead to something of this kind. It is tragic that we have had to go through this experience, because it is an attack on the world—on the people of the world—and not only on the people of Israel. It violates everything which we know to be decent.

For this reason, it is proper that the Parliament of a free country should identify itself with an expression of sympathy to the people of Israel and, for that matter, to all people involved in this incident as well as the many other incidents which are taking place throughout the world.

I think it would be permissible today to refer to highjacking of aircraft, so much of which is occurring around the world, because certain nations have shown timidity in being prepared to declare that they will not be a place of refuge for these highjackers. I am quite convinced that on the day all the countries in the world declare that they will not be a refuge for people who commit barbarous crimes we shall certainly see these crimes diminish even if they do not cease.

The people of Israel have had their trials and tribulations for many centuries. They are experiencing another wave of difficulties, but they are not without the sympathy of the rest of the world. I know my colleagues on this side are anxious to join with other members of Parliament in this House to ensure, at least, that the people of this State, of Australia, and of Israel know that we care and are concerned at the general trend. Perhaps this incident will stir the consciences of many people who have been silent and inactive in the past. Perhaps the United Nations will be able to stir itself and do something of a positive nature to try to offset barbaric and tyrannical approaches to problems so that offending countries may learn that there are other ways of resolving difficulties without resorting to dastardly crimes.

MR. McPHARLIN (Mt. Marshall) [11.13 a.m.]: Unfortunately, my leader is away in the country today. It falls to my lot to speak on behalf of members of the Country Party, not only my colleagues in Parliament but also members of the party throughout Western Australia, because I am sure I can express their sentiments on this occasion.

I support the expressions of sympathy of previous speakers to the motion. I commend the Premier for his action in bringing this to the notice of our Parliament. I also join in the expressions of sympathy to those relatives who have been stricken by this terrible act.

We denounce terrorists' acts of horror which have shocked the whole world, occurring as they have at the Olympic Village in Munich. This has ruthlessly violated the principle of the spirit of brotherhood, and the fairness of the Olympic Games. The attack proves the criminal nature of the Arab terrorist organisations and presents a danger not only to Israel but to the people of all nations.

The act must alarm Governments in all parts of the world. It has been claimed by a spokesman for the Australian Arab Association that these acts are necessary and that the Arab nation and Israel are in a state of war. In these circumstances, no nation in the world can feel secure at any time. This is a ruthless, barbarous, and horrible act which must be condemned by all nations. Action must be taken to ensure that further outrages, acts of terrorism, and cowardly assaults are not committed in places where unarmed, defenceless people are congregated.

It is time the world brought pressure to bear on countries which harbour killer groups. The cold-blooded murder of the athletes and officials in Munich deserves the contempt of all civilised people in any part of the world. I think the temptation to retaliate should be resisted. If this is allowed to continue it would only serve to compound man's inhumanity to man.

Once again I commend the Premier for his action in bringing the motion forward and I trust its contents will be forwarded, without delay, to the appropriate authority. I support the motion.

Question put and passed.

ELECTORAL ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Attorney-General), and read a first time.

ABORIGINAL HERITAGE BILL

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and returned to the Council with amendments.

WESTERN AUSTRALIAN PRODUCTS SYMBOL BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

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

The amendments made by the Council were as follows:—

No. 1.

Clause 5, page 3, lines 1 to 4 inclusive—Delete all words in the clause and substitute the following:—

Authority to use prescribed Symbol or Facsimile.

(1) Where it appears to the Minister that the production and preparation of any product or range of products is substantially carried out in the State, the Minister may on application being made to him in writing setting out particulars of the product or range of products and particulars of its production and preparation issue to the applicant a permit authorising him to attach to the product or to some or all of the range of products or to its or their container a prescribed symbol or a modification of the prescribed symbol.

(2) The Minister may include in the permit such conditions as, in the circumstances of the case, the Minister thinks fit to impose in respect of the use of the symbol.

(3) The Minister may, by notice in writing, served on the holder of a permit so issued,

(a) from time to time alter any of the conditions of the permit; or

(b) cancel the permit.

No. 2.

Clause 6, page 3, line 5—Insert after the section designation "6", the subsection designation "(1)".

No. 3.

Clause 6, page 3—Delete all words in the clause from and including the word "affixes" in line 6 to and including the word "dollars" in line 16 and substitute the following—

not being the holder of a valid and current permit issued under this Act and authorising him to do so affixes or causes to be affixed a prescribed symbol or modified prescribed symbol to any product, or to the container of any product; or

(b) being the holder of a valid and current permit issued under this Act, does not observe any condition of the permit; or

(c) uses any symbol that so nearly resembles the prescribed symbol as to be likely to deceive,

commits, subject to subsection (2) of this section, an offence.

Penalty: Two Hundred Dollars.

(2) It is a defence to a charge of an offence under paragraph (a) of subsection (1) of this section to prove that the person charged believed on reasonable grounds that, at the time he affixed the symbol, or caused the symbol to be affixed to the product, he did so in the course of his duties as an employee or agent and that his employer, or, as the case may be, his principal, was the holder of a valid and current permit issued under this Act and that the conditions, if any, of the permit were observed.

(3) A person who sells a product to which, or to the container of which, a prescribed symbol is attached, knowing that the symbol has been attached without the authority of, or in breach of a condition of a valid and current permit issued under this Act, commits an offence.

Penalty: Two Hundred Dollars.

No. 4.

Clause 7, page 3, line 17—Insert after the word "person" the passage "appointed to and holding the office of Inspector under the Factories and Shops Act, 1963, or under the Health Act, 1911".

Mr. GRAHAM: I move—

That amendment No. 1 made by the Council be not agreed to.

The amendments sought by the Legislative Council are identical with, if not substantially the same as, those moved in this Chamber some time ago which, after debate, were rejected. I say they are identical or substantially the same because I have not checked them word for word.

I indicate immediately, as I did at the time we were debating these principles, that the amendments are completely unacceptable. Frankly, I am at a loss to understand the attitude of some members of the Opposition who are seeking to impose all sorts of red tape procedures when, for a period in excess of two years, the healthiest of relations have existed between the previous Department of Industrial Development and the present Department of Development and Decentralisation on the one hand, and manufacturers on the other. A procedure which is acceptable to the parties has been developed and there has been an absolute minimum of infringement of the spirit that was intended.

The public has readily accepted and recognised the symbol. Ever-increasing numbers of manufacturers have felt there was some commercial advantage as well as pride in affixing a label which indicated to the would-be purchaser that the goods had a substantial Western Australian content. The legislation as introduced does not seek to incorporate any new principles. In point of fact, all it does is give the official recognition of Parliament to an emblem, and in the unlikely event of any concerns seeking wilfully and deliberately to deceive there would be some provision in the law under which action could be taken against them. That provision would be used as a last resort.

There is nothing experimental about this matter. I repeat that for a period in excess of two years the system envisaged in the Bill as passed by this Chamber has been in operation under the previous Government and continued by this Government. Why, then, seek to adopt procedures which will become cumbersome and inconvenient and will possibly result in discouraging firms which would not want to go through all the detailed procedures involved in application forms and the Minister having to grant certificates, which would be inevitable if the Legislative Council had its way? If there were any slight alteration in the process of manufacture or the degree of Western Australian content, no doubt the Minister would have to request officers to investigate and find out what the percentage was.

I read with considerable interest the comments made by members in the Legislative Council and, naturally enough, I do not reflect on what they said. They seemed to be drawing upon their imagination in a hundred and one different directions, querying the value and the style of the symbol which was selected by the previous Government—there is nothing party-political about this—going into the realms of fancy as to what might be the interstate repercussions, and wanting an exact definition because some unfortunate concerns might find themselves involved in litigation and the rest of it if there were no clear definition of what was a substantial Western Australian content in goods produced.

The matter was deliberately left in general terms to allow the greatest amount of flexibility, with the idea that the department would be as generous as possible because we are and should be proud of the fact that there is Western Australian participation in the manufacture of goods, generally. The more of this, the better, and the higher the degree or percentage of Western Australian content, the better still.

Experience has demonstrated that there is no need for all the procedures which are sought in the amendments put forward by the Legislative Council. I hope and trust members in this Chamber will agree with me, particularly as we have already debated the subject of the Legislative Council amendments at some length at an earlier date. Accordingly, I ask members to vote against amendment No. 1 and the other amendments. They add nothing to the Bill, they create difficulties and technicalities, and they would disturb the very happy relationship and co-operation that exists at the present moment and existed under the regime of a Government of an opposite political viewpoint.

Sir CHARLES COURT: I am sorry the Minister has adopted that attitude. He has really made out a first-class case for either abandoning the Bill altogether or agreeing to the Legislative Council's amendments.

When this Bill was before this place previously, we on this side made it clear we did not think there was any need for

legislation. The procedure has worked happily and successfully because of the goodwill and the loose rein that has existed. However, we made the point—and I think to good effect—that once it is decided to legislate for this matter it is necessary to be specific because, when a Statute is in existence, some of those who want to take advantage of the symbol will do so. They are the people who will get the Statute out and look for loopholes; the good people will not bother about it. Therefore, I think we would do better by letting things run as they are, without the Statute.

Nevertheless, if the Government insists at this late stage that there must be a Statute—although it freely admits the present procedure has worked quite well—I believe there is no alternative but for the suggestions made in the Legislative Council's amendments to be incorporated. If the Chamber wants the Bill, I hope it will agree to those amendments.

I repeat that we on this side did not think the Bill was necessary in the first place, but once a decision is made to have a Bill there must be many restrictive features so that it is possible to identify the use of the symbol and the procedures involved.

The Minister made play of the fact that there would be a lot of cumbersome red tape. When the Bill was here before and we submitted amendments, we went to some pains to ensure there was flexibility so that the Minister could give a form of permit that would avoid the necessity for a company to keep coming back when it changed its design or changed any product. In other words, companies would conform to a pattern, guidelines, and standards that were laid down, and if they departed from them they would have to come back for review; but it would be the exception rather than the rule. In other words, a manufacturer is known by reputation; his goods conform to the Western Australian content; therefore he would not have to come along every second day seeking a permit or variation of a permit. I notice that this situation is provided for in the amendment currently before us. I hope the Chamber will accept the Legislative Council's amendment.

Mr. W. A. MANNING: I am surprised that the Minister is seeking to reject the amendment. There is nothing political in this. I was hoping the Minister would receive a ray of light from the marvellous inheritance of his father's birthplace, but it does not seem to shine through on this particular occasion. Surely the other Ministers have looked at this legislation. The Minister for Development and Decentralisation does not seem to understand the situation at all.

When this Bill was before the House, we tried to point out that the use of the symbol must be clearly defined. It is much safer to do this before the symbol is used. This amendment seeks to provide that the symbol is used to the utmost advantage. As well as this it seeks to encourage the manufacture of goods in Western Australia; therefore, it is very important that it is not used incorrectly.

There is no doubt that unless the Council's amendments are included the Bill should be thrown out. I appeal to the Minister or somebody on the Government side with a little vision to realise that this amendment is absolutely essential to the Bill.

Mr. GRAHAM: I have been a member of this Chamber for a long time and as a consequence I am quite able to recognise political byplay when it occurs.

Mr. W. A. Manning: There is nothing political in this.

Mr. GRAHAM: There should not be.

Sir Charles Court: There isn't.

Mr. GRAHAM: This Bill is to allow the present procedure to continue, with two exceptions. The first is that Parliament will give official acknowledgment to the symbol created during the term of the previous Government. The second is that there will be provision to discourage, albeit very gently, the person who flagrantly and deliberately seeks to deceive.

The use of this symbol has worked very well and we agree that minimum action should be taken to avoid the possibility of abuse.

Mr. Williams: Could you not have registered the symbol without legislation?

Mr. GRAHAM: I am advised that this would be a very difficult and cumbersome method. The whole spirit of this symbol is the idea of working together.

Mr. Williams: All the more reason for not having legislation.

Mr. GRAHAM: In another place there were spokesmen from the Liberal Party and the Country Party. The view expressed was that the present situation could continue as it had been successful. A manufacturer may choose a symbol of any colour and size.

This amendment makes heavy weather of a simple procedure. It is amazing that such an amendment was put forward by people who parade as the disciples, the high priests of private enterprise with the minimum of Government interference.

Mr. W. A. Manning: That shows that you do not understand the amendment.

Mr. GRAHAM: Subclause (2) would again involve a cumbersome procedure which is totally unnecessary. If we suggested something of this type, members

on the Opposition side would taunt us for including cumbersome procedures of form filling, etc.

Sir Charles Court: We do not think the Bill is necessary.

Mr. GRAHAM: I will refer to this later. There seems to be an implied threat in the remarks made by the Leader of the Opposition.

Sir Charles Court: There is no threat at all. We said this when we discussed the Bill previously.

Mr. GRAHAM: The Leader of the Opposition said, "If the Minister wants the Bill he should agree to the amendment." In other words, if we do not accept the amendments, the machinery at the other end of the building will be used to throw the Bill out.

Sir Charles Court: We are saying nothing of the sort. We are giving good advice.

Mr. GRAHAM: Those were the words used by the Leader of the Opposition.

Sir Charles Court: That is not correct.

Mr. GRAHAM: A check of *Hansard* will show this.

Sir Charles Court: The members in another place will make up their own minds.

Mr. GRAHAM: Why did the Leader of the Opposition say, "If the Minister wants the Bill he will be well advised to accept the amendments"?

Sir Charles Court: Just plain good sense.

Mr. GRAHAM: The Leader of the Opposition is full of confidence. The amendments were submitted here, and when they were unsuccessful they were transmitted to the other end of the building. We know who is responsible for it.

The system has worked well up to date. This legislation is to give it official recognition, and by that I mean parliamentary and legal recognition.

Sir Charles Court: Once it becomes statutory you have to tidy it up. It is working all right at the moment.

Mr. GRAHAM: Those are only words and completely meaningless. Under the present loose arrangement, a company may import an article with no semblance of Western Australian content. It may then place the symbol on the article and nothing can be done about it.

Sir Charles Court: It wouldn't get very far.

Mr. GRAHAM: This legislation is to prevent that possibility. We want to be able to rely upon the symbol and people buying products marked with the symbol want to know with certainty that the article being purchased has a reasonably substantial Western Australian content.

The CHAIRMAN: The question is that amendment No. 1 be agreed to.

Sir CHARLES COURT: On a point of order, could I have the motion again because I think that is the reverse of the motion moved by the Minister.

The CHAIRMAN: The Minister moved that amendment No. 1 be not agreed to.

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

Ayes—22	
Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Brown	Mr. May
Mr. Bryce	Mr. McIver
Mr. Cook	Mr. Moiler
Mr. Davies	Mr. Norton
Mr. H. D. Evans	Mr. Sewell
Mr. T. D. Evans	Mr. A. R. Tonkin
Mr. Fletcher	Mr. J. T. Tonkin
Mr. Graham	Mr. Harman
	(Teller)

Noes—22	
Mr. Blaikie	Mr. Mensaros
Sir David Brand	Mr. O'Connor
Sir Charles Court	Mr. O'Neil
Mr. Coyne	Mr. Runciman
Dr. Dadour	Mr. Rushton
Mr. Gayfer	Mr. Stephens
Mr. Grayden	Mr. Thompson
Mr. Hutchinson	Mr. Williams
Mr. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning
	(Teller)

Pairs	
Ayes	Noes
Mr. Taylor	Mr. Nalder
Mr. Burke	Mr. Reid
Mr. Lapham	Mr. Ridge

The CHAIRMAN: The voting being equal, I give my casting vote with the Ayes.

Question thus passed; the Council's amendment not agreed to.

Mr. GRAHAM: If members have no objection I would like to group Council's amendments Nos. 2, 3, and 4. Amendments Nos. 2 and 3 follow on the principle determined in respect of amendment No. 1, although amendment No. 4 could be regarded as somewhat different.

Sir Charles Court: I have no objection to that now that we have divided on the first one.

Mr. GRAHAM: Accordingly, I move—

> That amendments Nos. 2 to 4 made by the Council be not agreed to.

Sir CHARLES COURT: We do not propose to debate this in detail, or to take exception to the consideration of the three amendments together. Our position is unchanged from that which we expressed in relation to the first amendment. I hope even at this late stage the Government will see fit to recognise the importance of the amendments. I make it clear that we support the amendments and oppose the Minister's motion.

Mr. W. A. MANNING: I am disappointed that the Minister has adopted the attitude he has. As I pointed out in the first place,

the Bill is of no value unless amendments such as these are included in it. I cannot understand why the Minister cannot see the necessity for these amendments.

Mr. Hutchinson: He is a stubborn Minister.

Mr. W. A. MANNING: On behalf of members of the Country Party I say that we feel the Minister is sacrificing something which is worth while for a reason I really cannot understand. He tried to imply that there is something political in the amendments, but I cannot see that there is. I think this is a desire to see that the right thing is done by the State and that our industries are advantaged by having secure legislation available to them.

Insufficient people recognise the fact that if we want the State to progress we must support our own industries. This is one way of doing so. We cannot help them progress unless we make provision for the symbol to be used correctly. I express our deep regret at the attitude of the Minister.

Mr. GRAHAM: I merely say, finally, that I am completely unmoved by what has been said. If it be any satisfaction to members opposite, if experience demonstrates a necessity for the cumbersome machinery which they favour, I will be prepared to eat humble pie and to bring forward another Bill to patch up the weaknesses and to provide for the machinery set out in the amendments we are considering.

Question put and passed; the Council's amendments not agreed to.

Report, etc.

Resolutions reported and the report adopted.

A committee consisting of Sir Charles Court (Leader of the Opposition), Mr. Cook, and Mr. Graham (Minister for Development and Decentralisation) drew up reasons for not agreeing to the amendments made by the Council.

Reasons adopted and a message accordingly returned to the Council.

MINING BILL

In Committee

Resumed from the 22nd August. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. May (Minister for Mines) in charge of the Bill.

Clause 8: Interpretation—

Progress was reported after the clause had been partly considered.

Sir CHARLES COURT: If I remember correctly, the Committee had reached the stage where I was about to move an amendment, but I had not actually moved it when we reported progress. With your indulgence, Mr. Chairman, I will give a detailed explanation of this amendment in relation to the definition of "mine," as well as an explanation of the definition of "mining" and "mining operations," because it will facilitate the consideration of these amendments in view of the fact that they are related.

As shown on the notice paper, my amendment is—

> Page 5, lines 4 to 8—Substitute for the definitions "mine" as a noun and as a verb a definition as follows—
>
> "mine" as a verb, and "mining" include operations by means of which minerals are recovered from water.

No doubt the Minister will have done his research on this, because it is largely a question of drafting rather than a question of substantial principle, although, as I will explain, from my amendments members will see there is the intrusion of certain principles into these definitions. However, regardless of those principles I believe it is our duty to study these words closely and if the Minister, through his advisers, has good reasons that the present definitions should be retained, those reasons should be recorded.

By way of explanation, of these amendments of mine relating to "mine," "mining," and "mining operations," I make the following comments:—

> The definitions of mine (as a verb), mining, mining operations and mining purposes are circular and inter-related and therefore unsatisfactory. For example, "mine" as a verb, includes any manner or method of working a mine; "mine", as a noun, means any place in, on or under which mining operations are carried on; "mining operations" . . . means operations . . . in connection with mining . . . ; "mining" means mining operations and includes prospecting; "mining operations" . . . means operations . . . in connection with mining for minerals . . . ; "minerals" means all naturally occurring substances obtained or obtainable from land by mining operations . . . ; "mining operations" . . . means, etc.
>
> It is difficult to tell whether "mining operations" includes prospecting. If "mining operations" means operations . . . in connection with mining, and "mining" includes prospecting, then "mining operations" also includes prospecting. However, if "mining" means mining operations and includes prospecting, it is reasonable to assume that "mining" has a wider meaning than "mining operations". If this is so, it is arguable that "mining" includes prospecting, but mining operations does not.

I know this explanation sounds very involved, but if one sees it in print it takes on a significance of its own, and I believe it is a sensible approach to the definitions.

Definitions in a Bill of this kind can be crucial in the actual interpretation of the Statute later on. My explanation continues—

> The terms have been defined but they have not been used consistently in the Bill.

I think that on an examination of the Bill the Minister will have to agree that there is a degree of inconsistency. I would assume that, even if we do not accept these amendments, sometime before the Bill is passed in another place, his legal advisers, as distinct from his technical advisers, will try to iron out some of the anomalies that exist and perhaps what I am saying will be of some assistance if they undertake the type of research I think they will need to do before the Bill becomes a Statute.

Mr. May: Is it your intention to indicate the actual anomalies?

Sir CHARLES COURT: I will refer to a few now which I hope will be of some value. They are—

> For example, in clause 32 the words, "prospect, explore or carry out mining operations" are used; in clause 49 the words, "prospecting operations" are used; and in clause 66 the words, "explore for minerals" and, "operations in the exploration for minerals" are used. Where the terms have been used proper regard has not been had for the fact that they are defined.

I might interpolate here that members will appreciate that in a Bill of this kind the words have a special significance when those words keep recurring in the Statute, and it is important that they have a consistent meaning, starting right from the definitions, unless there are specific variations made in any particular part of the Bill. I continue with the examples—

> For example, clause 94 provides that a miscellaneous licence shall not be granted "unless the purpose for which it is granted is directly connected with mining operations". A licence may be granted to the holder of an exploration licence but the holder of an exploration licence is by virtue of clause 69 (b) only authorised to "explore . . . for minerals" and it is not authorised to carry out mining operations.

There is a significant difference between "exploration" and "mining." This difference is recognised in the Bill which provides for exploration privileges and mining privileges, and the terms "exploration" and "mining" should be used to describe the principal activities which may be carried out on each type of privilege. The inadequacy of the present definitions is demonstrated by the use of the other terms and phrases referred to above.

"Mine" as a verb and "mining" should mean the same thing. The terms have a reasonably certain common law meaning and do not need to be defined except that, for the purposes of the Bill, they include evaporites.

I move an amendment—

> Page 5, lines 4 to 8—Delete the definitions "mine" as a noun and "mine" as a verb and substitute the following definition:—
>
> > "mine" as a verb, and "mining" include operations by means of which minerals are recovered from water.

Mr. MAY: I would like to indicate that this is a most important matter which affects the definitions, and these terms appear in many places in the Bill. The definitions of "mine" as a noun and "mine" as a verb have been framed by the Parliamentary Draftsman, and he has given an assurance that these are appropriate to the legislation.

After a great deal of investigation I found that whilst there might be some anomalies, as has been indicated by the Leader of the Opposition, I think these can be adjusted without any alteration to the two definitions mentioned. In this I would include the definition of "mining operations," because I realise there are other amendments relevant to these definitions, one of which has been put forward by the member for South Perth. However, we can deal with them as we progress.

We feel that the two definitions in the Bill are abundantly clear, and that the suggested amendment is already covered by paragraph (b) of the definition of "mining operations" and "mining purposes" on page 5 of the Bill. These are very important definitions, and the amendments which have been put forward by the Opposition amount to a deletion of this group of definitions—"mine," "mining operations," and "mining purposes."

I would like to clarify the situation in regard to the Chamber of Mines. The Chamber of Mines in its submissions to me considered that these definitions did not serve any purpose and should be deleted, but I am sure members will recall many occasions on which doubts have been cast as to what is a mine. Is an open cut a mine? Is a quarry a mine? Is the harvesting of salt a mining operation, and so on?

However, this was purely a drafting matter, and I arranged for the chamber's legal representative to discuss it with our legal officer who did not agree with the views expressed. As the Leader of the Opposition indicated, this is a matter which he will not pursue to any great extent, so long as I clarify the situation.

I am rather surprised that he sees fit to pursue a difference of opinion with our legal advisers. I can assure him and this

Chamber that this matter has been fully examined, with the result that these definitions are considered necessary and must be read in the context of the whole Bill.

They are referred to throughout the measure. The term "mining operations" for example appears in more than 30 places, and the various terms warrant being defined, especially in view of the wide ramifications of the Bill. I have every confidence in the work of the Parliamentary Draftsman.

I have made further research into this question, and I draw attention to the meaning of the word "mine" appearing in Volume 3 of *Words and Phrases Legally Defined*. This publication devotes several pages to explaining the meaning of "mine," "mining," and "mining operations." The following is the meaning ascribed to the word "mine":—

> The word "mine" is not a definite term, but is one susceptible of limitation or expansion according to the intention with which it is used. The original or primary meaning of the word is an underground excavation made for the purpose of getting minerals. In particular contexts, however, the word has been given a number of differing secondary meanings. Thus, it has been interpreted so as to include a place where minerals commonly worked underground are in the particular case being worked on the surface.

I have given some of the reasons for these two definitions being set out in this particular form in the Bill; it was done that way to enable them to cover all the operations. The publication contains another reference to the word "mine"—

> There can be no doubt that the term "mines" may be used in several different senses ... Is a mine and a quarry the same thing? According to the ordinary sense of the term mine, does it mean a quarry? I apprehend clearly not.

The publication gives a number of versions as to the definition of "mine." We feel that they have been covered adequately by the Parliamentary Draftsman, and will cater for the mining situation in general.

As I indicated earlier, these definitions appear in many places throughout the Bill. If there is any alteration to them I feel sure complexities will arise. For those reasons I oppose the amendment.

Mr. GRAYDEN: I am surprised that the Minister for Mines does not accept the amendment moved by the Leader of the Opposition. I think it is a reasonable and practical amendment in every sense. If we go along with what the Minister has suggested, and if the interpretations are written into the legislation without any explanation, I am sure that a proliferation of court cases will arise in respect of the Mining Act.

Ever since 1904 people have been discovering loopholes in the Mining Act of Western Australia. Even in the last couple of months they have found loopholes in the legislation, despite the fact that it has been in operation since 1904.

When we attempt to define "mining" as set out in the Bill we leave ourselves open to all sorts of problems, and I am sure it will result in a proliferation of court cases. This is the salient point made by the Leader of the Opposition: "mine" as a verb and "mine" as a noun have a reasonably certain common law meaning.

Mr. Hartrey: It has an uncertain meaning.

Mr. GRAYDEN: It has a reasonably certain common law meaning. I am sure that any court is able to give an accurate definition of this term.

Mr. Hartrey: What judge would be able to tell you that a quarry is a mine?

Mr. GRAYDEN: I am saying the terms have a reasonably certain common law meaning. When we start to define "mining" as set out in the Bill we are really in trouble. I draw attention to the definition of "mine," both as a noun and a verb, "mining," and "mining operations" which appear on page 5 of the Bill.

Paragraph (c) in the definition of "mining operations" and "mining purposes" is important. It means that if a person goes to the department to pick up a miner's right, he is engaged in mining; and the same thing will happen if he goes to the geological section to check on a mineral or if he does anything in connection with a stockpile at Fremantle. What court of law would ordinarily say such activities would mean that the person was engaged in mining? Under no circumstances would this be the contention.

Does the definition of "mine" as a noun mean that the Mines Department in Adelaide Terrace is a mine because activities are carried out there which are incidental to mining operations? In a thousand ways these definitions will complicate the legislation. As the Leader of the Opposition stated, the terms used are not consistent. In one provision the word "mining operations" is used while in other places the terms used are "prospecting," "exploration for minerals," and so on. A wide variety of terms is used and yet the Bill is trying to define them.

This will lead to all sorts of trouble and without question a proliferation of court cases will occur. Surely when new legislation is involved this is the very thing we should avoid.

I would draw the attention of members to the penalties in clauses 159 and 160. These are to be imposed in respect of mining operations. As I pointed out before, if a person goes to the department

to obtain a miner's right, or if he is negotiating in respect of ore, he is said to be carrying out mining operations, and if he does anything contrary to the Act in regard to, say, his miner's right, he will be liable to the penalty. For instance, if he allowed his miner's right to lapse for even one day he would be really in trouble because any leases he had pegged under that right would be deemed to be abandoned.

Under the Act, if a person covets a lease he can check with the department to ascertain whether or not the lessee has allowed his miner's right to lapse for even six hours. If he has, then, irrespective of how much money is involved, that lease is deemed to be abandoned. This provision is not written into the Bill, but it is inherent in it. If a person allows his miner's right to lapse for even one day, he is guilty of breaching the Act and he will leave himself open to the penalties in clauses 159 and 160. A definition such as that of "mining operations" and "mining purposes" will lead to trouble. I repeat that there is no consistency in the Bill. Over and over again different terms are used.

Surely the whole purpose of providing new legislation is to clarify the situation in respect of mining in order that anyone might clearly know his rights. However, I would say that no lawyer in Perth would be able to tell us where "mining operations" conclude and "mining" commences. Has "mining" a wider meaning than "mining operations" because "mining" means operations including prospecting? Does "mining operations" include prospecting? No lawyer would be able to say. The only way to clarify the situation would be by a court case of which there will be many if this Bill passes in its present form.

We are trying to define certain things when no definition is necessary. The Minister stated that the question of evaporites has been covered under paragraph (b) of "mining operations" and "mining purposes." Although the Minister has given this explanation, it should be realised that the Leader of the Opposition intends to move for the deletion of that definition. The deletion will be catered for by a further amendment of the Leader of the Opposition.

The CHAIRMAN: The honourable member has another two minutes.

Mr. GRAYDEN: I emphasise again that there will be a great deal of conflict concerning the definitions. Every legal adviser I have contacted on the matter has stated emphatically that the situation is covered and that we will only complicate the situation if we start including definitions.

I reiterate that the Act has been in operation since 1904 and as recently as the last few months members of the legal profession found loopholes in it. If definitions of this kind are included, then for the next 60 or 70 years court action will have to be taken to establish what the legislation means. This would be an undesirable situation and therefore I hope the Minister will give an assurance that he will have a look at the position and, if necessary, have amendments made in another place. I repeat that every lawyer with whom I have spoken is unhappy about the definitions in the Bill and feels it would be infinitely better if no attempt were made to define "mine" or "mining."

Mr. THOMPSON: I support the amendment. When the Minister replied to the Leader of the Opposition he somewhat justified the amendment by saying that throughout the Bill there is reference to these things. He was more or less inclined to think the definitions should remain. I feel the definitions will have to be cleared up as we go through the clauses of the Bill. I hope the Minister will accept the amendment so that we can adjust and modify the measure.

Sir CHARLES COURT: The points made by the member for South Perth are very pertinent. I am disappointed that the Minister did not indicate to us that the anomalies we have raised would be subject to expert examination before this Bill is considered elsewhere.

I know that once a lawyer has drafted something it seems to be a natural instinct that any amendments to that drafting should be rejected on principle. On the other hand, I have found that another lawyer will usually find something wrong with the original document. I suppose this can be advantageous in that trained people see a matter from different angles, but it can be costly so far as clients are concerned.

Having studied the amendments, and the representations which have been made, I believe there is good reason for wanting the Bill to be further examined. Some of the examples I have given, and also those given by the member for South Perth, demonstrate that some of the references in the Bill are contradictory and will be the grounds for argument and, no doubt, litigation.

It has been established that the most effective form of legislation is simple legislation. The moment complexities are introduced further anomalies develop and that is where litigation and troubles occur between a person and the State, or between person and person.

I hope the Minister will undertake to have this whole question subjected to critical analysis in the light of what has been recorded. I have purposely recorded examples. It has to be realised that a

definition, once it appears in a Bill, must prevail unless a portion of the Bill is expressly excluded.

It would be a tragedy to place legislation on our Statute book dealing with a matter of such importance if at the moment it was proclaimed it was found to be full of anomalies. That would lead to nothing but argument between the department and practical mining people, and between mining companies. This is where an Act of this type can get bogged down. There will always be some smart aleck who will find a loophole and take a point. He will use the loose use of words surrounding the definitions.

Even if the Minister is not prepared to accept my amendment—which I believe is in the interests of accuracy and simplicity—I hope he will have the drafting subjected to critical analysis, and include the definitions in that analysis.

Mr. MAY: Firstly, in reply to the member for South Perth, he has spoken to this Bill on only two occasions and both times he has said that it was quite obvious the Minister was not prepared to accept amendments. I would like to tell the member for South Perth that it is my intention to accept amendments if they are justified. That was the idea of bringing this Bill to the House on a nonparty basis. No matter what the member for South Perth says, if there is any justification for an amendment I will certainly accept it, with the assistance of the Committee.

The points which have been mentioned were raised on many occasions during the drafting of this legislation. Discussion has been taking place over a period of 12 months, and every point raised has received consideration by private lawyers and by the Crown Law Department. The definitions emanated from the desire of our draftsman to include something in the Bill which would cover the majority of instances and the majority of areas in which we felt there would be some concern. If the proposal to delete words is carried the purpose of the member for South Perth will not be achieved.

I will give an assurance to the Leader of the Opposition that we will definitely have a look at this. I will agree that one point raised by the member for South Perth in connection with paragraph (c) does require closer attention. I am accepting the word of the draftsman with regard to definitions because he has had experience. However, one cannot satisfy everybody. I hope the flexibility which the Leader of the Opposition has asked us to exercise, when looking at the Bill, will prevail throughout our discussions.

We have been told over and over again that the Bill will vest too much power in the Minister. However, if one does not have confidence in the Minister that is a sorry state of affairs. I will give an undertaking that if the Bill passes through this Chamber I will certainly have it examined before it reaches the other House. If anomalies do exist, as has been suggested, I will be only too pleased to arrange for the necessary amendments to be made in another place.

At this stage I would like the Committee to accept the wording contained in the Bill and reject the amendment proposed by the Leader of the Opposition.

Mr. GRAYDEN: I welcome the assurance from the Minister to the effect that he will have the Bill further examined as suggested by the Leader of the Opposition, and that any necessary changes will be made in another place.

The Minister said that I have spoken on two occasions and that I had emphasised that he was not prepared to accept amendments. I do not know where the Minister got that idea. Certainly, I made some reference to this point some weeks ago. However, when I was speaking a short while ago I did not make such a remark.

Mr. May: The remarks of the member for South Perth were, "Once again the Minister is not prepared to accept amendments."

Mr. GRAYDEN: I think the Minister misheard me.

Mr. May: I am prepared to apologise if I am wrong.

Mr. GRAYDEN: The Minister is completely wrong. I might have said that I was sorry the Minister did not intend to accept this particular amendment, but I did not say what he has suggested.

I would like to remind the Minister that the old Act contains a definition of a mine, which was very simple. It did not cause much trouble and it was to the effect that a mine was any land held, occupied, or used for mining purposes.

Mr. May: That definition subsequently caused a terrific amount of litigation.

Mr. GRAYDEN: The Minister is speaking only in relation to quarries. I cannot imagine the definition causing any trouble except in respect of quarries. Naturally this would cause some consternation because quarries were not included in the existing Act. They came under the Local Government Act, although the actual supervision of safety measures came under the Mining Act. The Bill before us has provision for quarries and, consequently, there can be no differences of opinion with regard to the definition of "quarries."

I refer the Committee to the definition of "minerals" in the Bill before us. Members will see that quarries will be included in the legislation. Consequently the

troubles of the past which were created simply because quarrying did not come under the Mining Act should go by the board.

Under the existing legislation the definition of "mine" is a simple one; namely—

> "Mine"—Any land held, occupied, or used for mining purposes.

As the Leader of the Opposition has emphasised, the word "mine" has a certain common law meaning and no definition is necessary. For this reason I hope the Minister will give consideration to the amendment suggested by the Leader of the Opposition.

Amendment put and negatived.

Mr. GRAYDEN: I move an amendment—

> Page 5, lines 9 to 18—Delete the definition "minerals" with a view to substituting a new definition as follows:—
>
> > "Minerals" means all naturally occurring substances obtained or obtainable from land by mining operations whether carried out under or on the surface of land, and includes evaporites but does not include soil or any substance the recovery of which is governed by the Petroleum Act, 1967, or the Petroleum (Submerged Lands) Act, 1967, or gravel, shale, sand, clay, limestone or rock when on private land.

Unless the amendment is carried there will be absolute chaos in the agricultural areas of Western Australia as well as in the metropolitan area.

In the Bill which is under discussion the Minister has included gravel, shale, sand, clay, limestone, rock and evaporites in the definition of "minerals." This would immediately prompt individuals who are interested in prospecting to go onto any private land in the State and peg it for these purposes. This could apply to any land which is not under cultivation and is not being used for grazing stock.

If the Minister's definition is included in the legislation it will start off a pegging rush, even in the metropolitan area. For instance, clay is in very short supply within a reasonable distance of Perth. Of course there is a great deal of clay around Guildford, Midland, and in the hills. But, even so, clay is in reasonably short supply. Companies involved in brickmaking have the greatest difficulty in obtaining areas to excavate for clay.

As the Bill stands at the moment, every brick company in Western Australia and other interested individuals would be encouraged to peg every clay area within, say, 40 miles of Perth or at least within a distance where carting to Perth is economical. They would be encouraged to go onto private land in the Darling Range if it is not under cultivation and is not being used for grazing stock. I mention forestry land, for instance, which is privately owned. Once a person had a mining tenement it would be easily saleable. I am sure brick companies, mining companies, and all other interested individuals would make a beeline for clay deposits on private land. Of course they would have to comply with certain conditions, such as obtaining a permit to enter and subsequently arranging compensation, but they would do this.

Let us take the situation of a company which excavates sand. For instance, Bell Brothers is forced to go out a considerable distance to obtain sand. If the Bill becomes law the company would look around for a suitable area in the Swan Valley, at Jandakot, or at Kewdale, which is even closer. The company would have to look only for land which is in the virgin state —it would not be cultivated land, because this is excluded under the legislation—but it would peg areas to excavate for sand.

Under the existing legislation it is possible to go onto private land, whether in the metropolitan area or in agricultural areas, to peg for valuable minerals. This should be the case. If a farmer has a huge area of land containing valuable minerals of consequence to the State it would be wrong for those mineral deposits not to be developed. It is quite a different thing to enter private land in the metropolitan area for the purposes of obtaining something like sand. I could enumerate many areas where sand is available in close proximity to country towns. People in the towns would be foolish if they did not peg those areas immediately the Bill became law. They would peg them for sand, clay, shale, limestone, rock, and evaporites.

It would start off a pegging boom, the equivalent of what we saw in respect of nickel. It would be as bad as that.

It is one thing to peg and another to have the lease granted, but the whole object of the Act is to ensure that what is sauce for the goose is also sauce for the gander. In other words, to ensure that everyone will have the same treatment. We do not envisage a situation where one person makes an application but is not given a mining tenement even though he has complied with the legislation and another person is given it in similar circumstances.

The amendment I have moved is almost identical with the provision the Minister has written into the Bill. It covers every point the Minister wants to cover.

I agree with him that it is a vital matter. Gravel, shale, sand, clay, limestone, and rock on Crown land should come under the Mining Act because we want a situation where on Crown land in the remote parts

of Western Australia a person who has a miner's right can go out and peg rock of various kinds, whether it be marble or anything else.

Recently, a marble deposit over 20 miles long has been discovered in Western Australia. Experts from Italy who have had a look at it consider it is the biggest deposit of marble in the world and that it is the finest marble in the world—even better than the Italian marble. Obviously it is imperative that someone should be able to go out and peg that sort of deposit. Similarly, it is desirable that individuals should be able to peg deposits of gravel, shale, sand, clay, or limestone on Crown land; but it is a different thing altogether to mine those substances on private land. By all means, allow individuals to go onto private land in certain circumstances and do something about minerals which are of consequence to the State. These are few and far between in the agricultural areas.

There are mineral sands in certain parts of the State, the areas of which are relatively limited. There are also one or two other minerals, but in all very small quantities of them. Actual mining in respect of minerals cannot cause much trouble in the agricultural areas, but when we talk in terms of things like clay and sand it is a different proposition.

In these circumstances, I hope the Minister will realise it is one thing to bring the substances of which he is speaking under the new Act, and another thing altogether to permit individuals to go onto private land and mine those substances.

Mr. I. W. MANNING: I desire to support the proposal of the member for South Perth, as well as the comments he made, because the proposition in the Bill takes away from the landholder the ownership of certain materials and awards it to the State.

Mr. May: That is not right, you know.

Mr. I. W. MANNING: Minerals are not the property of the landholder.

Mr. May: Are you talking about private land or Crown land?

Mr. I. W. MANNING: Private land.

Mr. May: No-one can go onto private land to mine. It is necessary to peg and get the consent of the owner.

Mr. Rushton: There is a lot of undeveloped land.

Mr. May: Even on undeveloped land one can peg but one cannot mine until one has the consent of the owner—

Mr. Grayden: Yes, one can.

Mr. May: —or, failing that, the matter must be negotiated.

Mr. I. W. MANNING: It does not work that way. In the south-west we have had to deal with mining companies and mineral explorers coming in and searching for things such as ilmenite and oil. I might say I find some of their activities very irksome. Some landholders have set aside areas of their properties in the natural state. On the boundary of my property an area of bushland was set aside, with the agreement of the Forests Department, and retained in its natural state to provide for the natural birdlife and fauna in the area. People searching for oil have now gone across that small area of bushland and cut two wide swathes through it with bulldozers.

Mr. May: You have a legal right to take action against those people. That is not a function of the Mines Department. They are allowed to peg but not to mine. If they desecrate your property you have a legal right to take action against them. Did you take action against them?

Mr. I. W. MANNING: No, because I have no legal right to take action against people searching for oil or to keep mineral explorers off the land.

Mr. May: You do have a right. They cannot mine. All they can do is go in and peg on a private property.

Mr. I. W. MANNING: Mineral explorers will go in, having obtained permission from the Mines Department. That is a fact. In addition to that, there are the other materials which are mentioned in this clause.

Sitting suspended from 12.45 to 2.15 p.m.

Mr. I. W. MANNING: The point about which I am concerned is the provision in this Bill to transfer the ownership of the materials we are discussing—that is, sand, gravel, and limestone in particular—from the landholder to the Crown. These materials are now to be classed as minerals.

This will have an impact on the agricultural districts because, as I said earlier, many problems have arisen when claims were pegged on agricultural land. I think it was in 1970 that we introduced some amendments to the Mining Act setting out the responsibilities of mineral explorers when entering private land. I emphasise the point that these people cannot be prevented from entering private land and pegging for minerals. However, permission must be obtained from the Mines Department and notice must be given to the landholder. However, it has been found that mineral explorers can enter private land without the knowledge of the landholder when he has not been in attendance to receive the notice served on him. I know of situations where landholders have returned from overseas to find that their properties have been pegged for minerals.

When I speak of the south-west area, I am thinking particularly of the mineral ilmenite. However, this legislation will extend the opportunity to peg for minerals to people looking for deposits of sand, gravel, and limestone.

When we debated this subject two or three weeks ago, I said that many landholders sell these materials as a source of income. People requiring gravel may come to an arrangement with a landholder to take it out at so much per yard. These materials are usually taken from poor agricultural land and the owner is thereby provided with an opportunity to make a profit from land which is not good enough for agricultural pursuits. The landholder will not part with good agricultural land under any circumstances.

This provision will apply also to clay as a brick-making material, and the effects of this will be felt in the metropolitan area as well as in some country districts. Brickworks will be afforded the opportunity to go onto farmlands and peg claims. I do not know whether this is the ultimate effect desired by the Minister. I find it hard to believe that he genuinely seeks to take away the control of quite a portion of his land from a landholder. Indeed, it goes one step further in destroying the value of the ownership of land.

Mr. May: The owner must still obtain a permit from the local authority where the local authority has passed the model by-laws. No matter what he wishes to do with the material on his land, he must obtain permission from the local authority. This is only transferring administration from the local authority to the Mines Department for uniformity. A landowner cannot peg claims indiscriminately.

Mr. O'Connor: What about a sand pit which is already operating?

Mr. I. W. MANNING: I cannot recall an instance where the transaction between the landholder and the person purchasing the materials had to be approved by the local authority—

Mr. May: This is so, provided that the model by-laws have been passed.

Mr. I. W. MANNING: —that is, unless the shire has passed model by-laws to give it control. The Minister may correct me if I am wrong, but I think only a limited number of shires have passed these by-laws.

Mr. May: This is what we are trying to overcome. Only about 40 local authorities have adopted the by-laws and in other areas quarrying can go on indiscriminately. We are trying to safeguard particular deposits so that a private owner cannot dissipate a commodity to the detriment of the State.

Mr. I. W. MANNING: It would seem that the Minister is using a sledge hammer where a tack hammer would do. He is attempting to bring the whole of the State into the ambit of the Mining Act by including what I would call, for the purpose of this argument, minor minerals —materials which the owner has the opportunity to use for business income.

I am disturbed about this and I know that many landholders have been irked to find their land has been pegged for mineral purposes. This provision extends to mining people the opportunity to peg further. It further accentuates the problem I have described.

Mr. May: But even though he pegs the land he cannot mine it. He may take only 28 lb. of outcropping as a sample. He has 30 days in which to look at the property. He must negotiate with the landowner, and if they cannot reach agreement the matter goes to the warden.

Mr. I. W. MANNING: The Minister cannot deny that in the natural progression of these things the ultimate result is mining operations on the land, and the landholder can do nothing about it. He cannot prevent mining on his land for limestone, clay, sand, or gravel. I wish to emphasise that there will be many misgivings about this provision if it becomes law. I have no hesitation in supporting the amendment of the member for South Perth.

Mr. RUSHTON: I, too, rise to support the amendment. I believe that the provision as it is in the Bill will create bedlam in the outer metropolitan areas. In my electorate there is an extensive extractive industry, and developments occur almost every day.

I wish to touch on a point that interests me in connection with other proposed amendments. I am most concerned that the various local authorities should not be prejudiced as a result of approvals given by the Mines Department. I am also concerned that the private owners who have bought properties with these inbuilt assets should not be prejudiced by the actions of the Mines Department.

I would like the Minister to indicate whether he intends to accept the amendments proposed by the member for Moore to retain the various controls which local authorities presently have over the extractive industry. We believe that local authority already has a responsibility in this regard which should not be taken over.

Mr. GRAYDEN: I do not think the Committee is in a position at the moment to make a decision on this amendment or this clause because the Minister has unwittingly misled the Chamber. I say, "unwittingly" because I am certain he did not realise what is contained in this provision. Prior to the luncheon suspension he said it was possible to walk onto a private property provided one had a permit, but one could not actually conduct mining operations unless one had the consent of the owner.

Mr. May: You could take out 28 lb. of sample.

Mr. GRAYDEN: Yes, but the Minister said a person could not do anything as far as mining is concerned without the

consent of the owner. That creates the impression that a person can peg day and night on agricultural and virgin land in the metropolitan area, provided he has a permit, but he can do nothing about mining. However, that is not so.

Mr. May: A progression of events occurs after that.

Mr. GRAYDEN: Irrespective of whether or not a person has the consent of the owner he may conduct mining operations on that virgin land.

Mr. May: Only after the matter has been negotiated with the warden for compensation.

Mr. GRAYDEN: That statement is altogether different from the one the Minister made earlier. He said previously that a person must have the consent of the owner before he can conduct mining operations and, therefore, we have nothing to worry about. Now he is saying that it depends upon the warden granting compensation.

Mr. May: Don't forget that it is in open court.

Mr. GRAYDEN: Yes, in respect of compensation. It is important that members understand the difference here because it is possible to walk onto a private property in the virgin state and to peg it. After the warden has assessed compensation, and provided some agreement is reached with the owner, mining can be commenced. This is emphasised in the clause dealing with private land. Clause 32 (2) states—

> (2) A mining privilege granted under this Division in respect of any private land—
>
> (a) shall authorise the holder of the mining privilege if he has the lawful access necessary for him so to do to prospect, explore or carry out mining operations at a depth of not less than thirty-one metres from the lowest part of the surface of the private land;

That certainly creates the impression that a person may conduct mining operations only below a depth greater than 31 metres from the lowest part of the surface of the land. But we must not overlook that that is a general provision, and it goes on to become infinitely more specific. We find that paragraph (c) states—

> (c) does not without the consent in writing of the owner and occupier of the private land authorize the holder of the mining privilege to use water artificially conserved by the owner or occupier or to fell trees, strip bark or cut timber on the private land, or except in connection with mining operations carried out on the private land, to remove earth or rock therefrom;

Whilst the warden will deal with the matter generally, it will be noted that this clause contains a provision with these specific words, "except in connection with mining operations carried out on the private land."

Turning to clause 37 we find the following provision:—

> (1) The holder of a mining privilege shall not prospect for, explore for, or carry out any mining operations for any mineral or enter upon for any such purpose any private land the subject of the mining privilege of which he is the holder and which is private land of one or more of the following classes—

Then the various classes of land are set out. The provision then states—

> unless—
>
> (g) the consent in writing in the prescribed form of the owner and occupier of the land has first been obtained; or
>
> (h) the prospecting, exploration or the carrying out of the mining operations is or are carried out at a depth of not less than thirty-one metres from the lowest part of the surface of the land.

The provision, in effect, states that the consent of the owner is required to be obtained, unless the mining operations are conducted 31 metres below the lowest part of the land.

When the Minister in the previous Government introduced an amending Bill in 1970 he clarified the matter with the following words which appear on page 3341 of the 1970 *Hansard*:—

> Clause 13 of the Bill clearly sets out the type of private land which cannot be granted or occupied for mining purposes without the written consent of the owner. The term "land under cultivation" is now defined and this should help to clarify what was previously difficult of interpretation.

The Minister said there were certain categories of land on which people could not conduct mining operations without the consent of the owner.

Mr. May: The same applies under the Bill before us.

Mr. GRAYDEN: But in the other categories of privately owned land people can conduct mining operations without the consent of the owner.

Mr. May: What are those categories?

Mr. GRAYDEN: Take the Darling Range where huge areas of forests are located. In many cases the land is privately owned, is not fenced, and no stock is run on it. If the clause we are discussing is made law it will be possible for any individual,

brick-making company, or mining company to peg virgin areas of privately owned land.

Mr. May: This is subject to the Environmental Protection Authority.

Mr. GRAYDEN: I appreciate that, but there are certain areas in the Darling Range which will not meet opposition from the E.P.A.

The CHAIRMAN: The honourable member has another two minutes.

Mr. GRAYDEN: At the moment no-one is interested in pegging a mining claim in the Darling Range, because it contains no minerals of consequence. However, once we make it possible to mine shale, clay, or sand and permit areas to be pegged for the extraction of these materials we will spark off another pegging boom on the Darling escarpment.

The same will apply in the Swan Valley area and in your own electorate, Mr. Chairman, which contains large areas of sand. There are also clay pits in Canning. If this provision becomes law there will be nothing to prevent anyone from going onto privately owned land in those districts, on which no stock is agisted and on which perhaps banksia may be growing. It may not even be fenced. It will be possible for people to conduct mining operations on such privately owned land.

Imagine what will be the reaction of big companies like Bell Brothers. Will they continue to go out for miles to obtain these materials? I suggest they will not; they will go to districts like Canning Vale to take these materials from privately owned land.

Mr. May: The owners would still be subject to compensation.

Mr. GRAYDEN: They are not subject to compensation in respect of the sand removed; the Act makes that absolutely clear.

The CHAIRMAN: The honourable member's time has expired.

Mr. MAY: It is as well for me to clarify some matters which have been raised. Before the luncheon suspension we endeavoured to point out the rights of owners of private land. At the luncheon interval I made some notes, and if I read them I feel sure they will help to clarify the situation in regard to a number of factors. My notes are as follows:—

> To clear up any misconceptions that the Bill and this definition of "minerals" will lay private land wide open for pegging and mining, let me assure members that all the protective measures contained in the present Mining Act are also provided in this Bill which gives very adequate protection to the owners and occupiers of private land. The steps required to be taken before mining is allowed on private land are—
>
> (1) A permit to enter must be obtained from the Warden.
>
> (2) The permit to enter private land is limited to a period of 30 days only.
>
> (3) A copy of the permit must be given to the occupier when the private land is first entered.
>
> (4) The permit only entitles the holder to take 28 lb. weight of samples outcropping at the surface, and to peg the ground. No other disturbance of the land is allowed.

Mr. Hutchinson: At this juncture the owner of the land would not be very pleased.

Mr. MAY: This provision is the same as that contained in the legislation introduced by the previous Government in 1970.

Mr. Hutchinson: It is not the same, in view of the new materials that are envisaged.

Mr. MAY: It contains the same safeguards. To continue with my notes—

> (5) An application for the ground must be lodged within 10 days of pegging, but this gives no right to prospect or mine.
>
> (6) No right to mine can be granted on private land which is in *bona fide* and regular use as a yard, garden, orchard, vineyard, etc. or is land under cultivation, without the consent of the owner and occupier of the land.

That is specific. People cannot obtain a permit where the land is under cultivation without the consent of the owner. To continue—

> (7) Even if the land is not in those categories no right to mine can be granted unless compensation is agreed or determined.
>
> (8) Private land is therefore very much protected, and owners who are using their land are completely in the box seat and can refuse to allow any mining.

Mr. Grayden: Is that virgin land?

Mr. MAY: If it is virgin land there must be some viable form of minerals to be mined.

Mr. Grayden: What about the sand in the Clontarf area?

Mr. MAY: Whoever mines the sand has to get a permit from either the South Perth City Council or the Mines Department.

Mr. Hutchinson: Not from the owner?

Mr. MAY: If the land is cultivated it cannot be touched.

Mr. Moiler: Is a permit required from the owner at the present time?

Mr. MAY: Yes. I have gone into this matter very thoroughly and I think the Committee has debated it at length. The areas of concern expressed by members are fully covered by what I have just read out. I fail to see that the private landowner will be jeopardised in any way. I cannot see that an alteration of the definition of "minerals" will achieve the purpose desired by the member for South Perth.

Mr. W. A. MANNING: We did not know until now whether or not the Minister would agree to the amendment. It would have been better had he advised us so that we knew where we stood.

I was hoping the Minister would agree to the amendment because it would have got over the difficulty I raised earlier. I asked the Minister at what point sand or clay becomes soil, because soil is exempt. The Minister was unable to give me a satisfactory answer. He said that sand was usually considered to be something in which nothing could be grown. If the Minister will not accept the amendment some further definition is required.

Mr. I. W. MANNING: The Minister said that the purpose of bringing these materials under the Mining Act was to protect deposits throughout the State. It is possible that in some rare instances such protection might be worth while. However, the proposal will take something from the landholder which he has always regarded as his own. As a result, a landholder could be involved in a long fight to retain his land and his rights.

A person will not be able to prevent mining from taking place on his land if the Mines Department agrees to issue a permit. That must be conceded. Rights will be taken from landholders as a result of this legislation. In some instances those land rights could be of considerable value. A variety of gravel deposits occur throughout the State. One rare gravel and sand mixture is sought by the Public Works Department, particularly, for concrete mixing. Those deposits are of value to the respective landholders. Other gravel deposits are suitable for road making.

The provisions of this Bill will enable a person who is selling sand for the purpose of topdressing lawns to claim a deposit. In the case of brick making a deal is usually agreed to between the landholder and the brickmaker, and compensation is paid accordingly. However, under the provisions of this Bill a landholder will not receive any compensation because his right to the land will be taken from him.

Substantial outcrops of limestone occur between Fremantle and Bunbury. Builders select the material they want and take it away, and pay accordingly. The landholder is selling his land by the truckload and not by the acre, but this Bill will take away the income of such a landholder.

Mr. May: Any local authority which has adopted the by-laws under the Town Planning Act passed in 1969 can stop sand from being taken from a private property.

Mr. I. W. MANNING: That does not alter the fact that some people in this State do obtain their sole income from selling material from their holdings, and in particular I refer to limestone. I want the Committee to understand fully the provisions of this clause, and what will happen if it is agreed to. Rights will be taken from the landholder.

Mr. HUTCHINSON: The Minister tends to mislead the Committee. In opposing the amendment he said that this is already happening. I refer to the fact that the pegging of land for minerals is taking place. In reply to an interjection by the member for Toodyay the Minister said this is already happening, and the member for Toodyay appeared to be satisfied with that explanation. I say that is misleading the Committee because at the present time this is not happening, in regard to the materials in question.

Sir David Brand: I think that is the issue.

Mr. HUTCHINSON: That is the vital issue. Owners of land, since time immemorial, have been able to do as they wished with sand, gravel, shale, and the like.

Mr. May: With the exception of those I just explained.

Mr. HUTCHINSON: All right; but in this case they will not be able to deal with the materials themselves. The Minister, under the provisions of this Bill, will define them as "minerals" and the same procedure will apply as has applied to other minerals over many years.

That is completely different and it is not already happening at all. The provisions of this Bill, whether the Government likes it or not, will mean an intrusion into the rights of a landholder.

Mr. O'Neil: These minerals become the property of the Crown instead of the landholder, as at present.

Mr. HUTCHINSON: The Minister went on to recite the steps that would be taken when these new materials came under the aegis of the Act.

Mr. May: I recited what is in the current Act.

Mr. HUTCHINSON: The same procedure would take place unless the amendment moved by the member for South Perth were accepted.

Mr. May: In other words, we are trying to transfer from local government to the Mines Department.

Mr. O'Neil: Local government does not own them now.

Mr. May: In 1960 an amendment was passed bringing these industries under local government.

Mr. HUTCHINSON: The Minister does not appreciate that the rights to these materials which the owner formerly held will be taken from him. Let us not be under any misunderstanding about that.

The Minister recited the list of events that would take place. He said a man would go to the Mines Department and get a permit to go onto a person's property in order to take 28 lb. of sand, shale, or what-have-you. All he had to do was knock on the door and hand the owner the permit. The owner would say, "What the hell is this?" and he would be told, "I have a permit from the Mines Department to go onto your property."

Mr. May: This is what happened in 1970.

Mr. HUTCHINSON: It is different because new materials are involved.

Mr. May: But the principle of knocking on a door and pegging without the owner's consent is exactly the same. There is no difference.

Mr. HUTCHINSON: This is where the Minister misleads us. New materials are brought in, and at the present time people believe they have some control over such things as sand, shale, gravel, etc.

Mr. May: They have it under the 40 local government areas.

Mr. HUTCHINSON: They had infinitely more rights to them than they will have under this system. I see the position now, and I trust the member for Toodyay and members of the Government will have light thrown on it. If we were in Government we would find the greatest opposition coming from members on the other side.

In any case, during the course of the recital of events the Minister said compensation would be granted by a court following this arbitrary procedure in regard to these new materials.

Mr. I. W. Manning: Compensation for what?

Mr. HUTCHINSON: Compensation for the new materials that were taken. Is that sufficient? Can we just say to the owner, "There is your $50; there is your compensation"? I well remember the criticism advanced by Government members, when they were in Opposition, in regard to the resumptions of land and compensation payments. The Minister's remarks and the Government's approach to this matter are entirely inconsistent with the approach taken then. The member for Toodyay could use the word "hypocrisy" if he liked.

Mr. O'Neil: The compensation is not the value of the material but the value of the property.

Mr. HUTCHINSON: There are refinements of the compensation. I mentioned those two points because this procedure does not already apply to the new materials, and to say compensation will be paid does not mean much compared with the way the owner will feel.

Mr. GRAYDEN: I entirely agree with the member for Cottesloe. This provision simply transfers the ownership of these particular materials from the owner of the private land to the Crown. It is as simple and cut and dried as that.

The Minister spoke about compensation for these substances, but there will be no compensation to the people who own the land. That is made very clear in the clause dealing with compensation. Subclause (1) of clause 128 reads—

> (1) Compensation is not payable in any case in respect of the value of any mineral known or supposed to be in, on or under the surface of any land to which a claim for compensation under this Act relates.

There is to be no compensation of any kind for the actual materials removed. It is as cut and dried as that. It is therefore idle to talk about the people who own the land being compensated.

The Minister also said, "What have you got to worry about? If the local authority has certain model by-laws, they will take precedence over the Mining Act." I would like to know on what authority he said that.

Mr. May: I did not say that. I said where they were covered they still had to get a permit.

Mr. GRAYDEN: Do they? This is more recent legislation. The whole object of the legislation is to remove control from the local authorities and put it in the hands of the Mines Department. We are proposing to enact a provision which will do precisely that. I imagine when the Bill becomes law it will take precedence over other legislation, and this Bill makes it perfectly clear that one can go onto private property, if it is not developed, provided one first obtains a permit, which is only a matter of routine. One can peg the land, and irrespective of whether or not the owner consents one can commence mining operations if the Warden's Court has assessed adequate compensation. One goes to a warden—who is called a Warden's Court—who will assess compensation. He will look at the Act and find he cannot under any circumstances award compensation for the materials and substances that have been removed. That is the crux of it.

The Minister said the provisions of the previous Mining Act as far as private land is concerned had been incorporated in the Bill. The point he has overlooked is that made by the member for Cottesloe; that is, it is proposed to add new clauses to the old provisions which will add gravel, shale, clay, sand, limestone, and rock to the minerals which were covered by the previous Act.

Previously, comparatively little disturbance was caused on private land in the agricultural and metropolitan areas. There was some disturbance in places in the course of searching for minerals, but overall there was relatively little disturbance. That will not be the situation if we add things like gravel, sand, and clay. Every farmer in Western Australia is now conscious of the environment. Over and over again I have seen farmers leaving part of their properties in the natural state as a refuge for fauna. Under this Bill any person can go onto a reserve of that type and peg the area for clay, shale, rock, sand, or anything like that.

This applies even in the metropolitan area. I know what the situation will be as far as the area represented by the member for Canning is concerned. People will be pegging sand pits in all the unpopulated areas of Canning. I know what will happen as far as Guildford and Midland are concerned, where there are relatively limited areas of clay. Any manufacturer of clay bricks who does not go out and peg for clay all the land he can is nuts. People who are not interested in the manufacture of bricks or something like that will also be interested in pegging those areas for clay, because once the areas are pegged they will be granted to the people concerned. There is no reason why they should not be granted; the Bill specifically provides for that sort of pegging. The areas will be offered to brick-making companies and they will be snapped up.

Certainly some compensation will be paid to the owners of the land but it will only be compensation for a disturbance such as the removal of a fence or the inability of the owner to picnic on the land if this was his habit. That is all he is entitled to because the Bill specifically states that there will be no compensation for the materials removed.

I do not see why the Minister is not prepared to accept the amendment. These materials are not minerals in the normal sense of the word. If we include them in the Bill, we will have chaos. Every member who represents a rural area or an outer metropolitan area in which there is virgin bush will greatly regret it. A farcical situation will develop where people in the outskirts of the country towns will peg for everything, simply for the sake of securing the ground.

The CHAIRMAN: The honourable member has two minutes.

Mr. GRAYDEN: If the Minister does not wish to accept the amendment now, I suggest that he should report progress and ask leave to sit again.

On further consideration I am sure the Minister will realise how important it is to adopt this amendment. It would be farcical to subject owners of undeveloped land to the effects of this Bill. People may be holding land for ultimate subdivision, for future clearing to keep horses, or something of this nature. A company could peg a claim for a sand pit on the land, and right next door another company could peg for a gravel pit. As I say, in areas of Guildford and the Swan district, every piece of private land could be taken up by companies pegging for clay and sand, and if the owner pulls the pegs out, he will be subjected to penalties.

Mr. O'CONNOR: The comments made by the members for South Perth and Cottesloe made a terrible lot of sense.

Mr. Graham: A lot of terrible sense.

Mr. O'CONNOR: The Deputy Premier may not be concerned about these people who have sand pits and gravel pits on their land, but there are many of them.

Mr. Jamieson: You may have had a sand pit at one time.

Mr. O'CONNOR: I do not think so.

I would like to ask the Minister for some more information. Many hundreds of people are interested in this legislation because of deposits of these materials on their land. If this legislation is passed they will no longer own the deposits.

What will happen in the case of an elderly couple who have leased a sand pit for a long time and a large company pegs the deposit after the two-year period? Can the couple do anything about it? It appears to me that there is nothing to be done about it and this would take away from such people the ability to provide for their future. Unless I am convinced that this is not so, I will support the amendment.

Mr. MAY: Considerable debate has ensued on this question asked by the member for Mt. Lawley concerning the two-year period.

Mr. O'Connor: I said after the two-year period.

Mr. MAY: Two years would surely be sufficient time for such a couple to take out a mining tenement. I will let Parliament decide on this amendment. However, I would like to clear up one point. There is some doubt as to whether the words "when on private land" in the amendment of the member for South Perth apply not only to gravel and shale, but also to the other materials mentioned; that is, soil and petroleum. We have sought legal

opinion on this matter and there is some doubt as to whether soil and petroleum would be included. However, we will be able to look at this in another place.

Amendment put and passed.

Mr. GRAYDEN: I move an amendment—

Page 5, line 9—Substitute the following for the definition deleted:—

"Minerals" means all naturally occurring substances obtained or obtainable from land by mining operations whether carried out under or on the surface of land, and includes evaporites but does not include soil or any substance the recovery of which is governed by the Petroleum Act, 1967, or the Petroleum (Submerged Lands) Act, 1967, or gravel, shale, sand, clay, limestone or rock when on private land.

Mr. MAY: I would like to indicate to the member for South Perth that we wish to study the wording in the light of the information obtained from the Crown Law Department. We may be able to adjust the wording in another place.

Amendment put and passed.

Sir CHARLES COURT: I do not propose to persist with the amendment standing in my name in connection with the definitions of "mining," "mining operations," and "mining purposes." The Government has promised to have another look at these amendments before the Bill is considered in another place. However, "mining privilege" is defined in the Bill as follows:—

"mining privilege" means any lease, licence, right or title relating to mining granted or acquired under this Act or the repealed Act; and includes the specified piece of land in respect of which the lease, licence, right or title is so granted or acquired but does not include a miner's right;

No doubt the Minister, when he comments on this amendment, will give us some additional information as to why "privilege" was used instead of "tenement." But it is only fair and proper that I should explain to the Committee that the amendment I propose deletes "mining privilege" with a view to replacing it with a definition of "mining tenement." It would read—

"mining tenement" means a prospecting licence, exploration licence, mining lease, general purpose lease or a miscellaneous licence.

First of all, there is some feeling in the industry regarding the use of the term "mining privilege" and although the Minister has referred to this on a previous occasion I think this is the appropriate part of the Bill for him to explain to the Committee why the term "mining privilege" is being introduced as distinct from "mining tenement." I cannot recall that the committee which conducted the inquiry into the Mining Act recommended the use of the term "mining privilege" as distinct from "mining tenement," but we feel that the reference to "mining tenement" is one that is universally understood, and I believe it is a more appropriate description of the subject matter of the definition.

Whatever term is used it should be defined as referring to the tenements to be included, and I think that is the most significant feature of the amendment I have suggested, apart from the fact that we seek to change the definition from "mining privilege" to "mining tenement."

The present definition is wide enough to include such things as a permit to enter private land, whereas the definition I propose is more specific. There would, of course, have to be consequential amendments, but this is one that has to be resolved first and foremost before we give consideration to others. Therefore, I move an amendment—

Page 6, lines 7 to 13—Delete the definition "mining privilege".

I hope the Minister will explain why the Government wants to use the term "mining privilege" instead of the time-honoured words "mining tenement."

Mr. MAY: I oppose this amendment, and I will give reasons for my opposition to it. When we were drafting the legislation we considered that the existing Act had too many tenements in it, and we reduced them from 39 to 12. Looking around for an appropriate title we went into the matter very thoroughly and ascertained from the Eastern States that legislation currently being drafted in those States proposed to delete the word "tenement" from the existing legislation and the authorities in those States were looking for some word that would suit the mining industry in the particular State.

If we are to introduce a new Act we would want to have a line of demarcation. Since 1904 we have had the term "mining tenement" in the legislation, but when we introduce this new Act—on the 1st January, 1973, we hope—we want to say that after the 1st January, 1973, all mining tenements will be known as "mining privileges."

In further explanation to the Leader of the Opposition, I would point out that legal advice available does not consider that the term "mining privilege" is wide enough to cover such things as permits to enter private land, because the Bill expressly spells out what such permit authorises and confers under that right. Read

as a whole, the Bill clearly shows what a mining privilege is, and *The Concise Oxford Dictionary* defines the word "privilege" as—

> Right, advantage, immunity, belonging to person, . . .

A great deal of criticism has been aimed at the Mines Department because there is no security of tenure. We consider that *The Concise Oxford Dictionary* meaning of "privilege" would cover the situation and would give us this new look in mining which would help to process new mining titles when applications are made for them. The granting of a "mining privilege" is therefore the bestowal of a right to minerals owned by the State, and accordingly the term appears to be a very appropriate one.

To test the feeling of this new term we went around the mining areas. Whilst the Leader of the Opposition has indicated that he has not heard from many organisations that appear to accept this title, by the same token we have not received many letters from prospecting associations or large companies saying that they were against the term "mining privilege." Members will recall that a few days ago we were accused of not changing the terms in the Mining Act, but now we are endeavouring to bring in a new term, it is suggested that we should stick to the old term.

The purpose of using the term "mining privilege" is to get away from the old "mining tenement," to bring in something new and to ensure that there is no doubt in anybody's mind that any new applications after the 1st January, 1973, will refer to a "mining privilege" instead of a "mining tenement." We consider that this is a suitable term and we know that in other States the term "mining tenement" is being deleted from legislation that is under review.

Mr. GRAYDEN: I appreciate the reason that has been put forward by the Minister for Mines for this change from "mining telement" to "mining privilege," but I do not think the reason is valid. I know that one can go to any mining area in Western Australia and find widespread opposition to this proposition to change the term "mining tenement." It places prospectors everywhere in a position of subservience. Most people who engage in mining, whether they be prospectors, men employed by mining companies, or those engaged in mining operations are, to a large extent, very independent people, and they have come to accept the term "mining tenement."

This term describes what types of tenements are available, but to change the term from "mining tenement" to "mining privilege" creates the impression that what they are obtaining is a privilege that is conferred on them and that they must always be mindful of that. It gives them the impression that if they want something of that nature they have to go cap in hand to a warden, the Mines Department, or the Minister for Mines. That is the impression that is conjured up in their minds by the use of the words "mining privilege."

Some of these men travel hundreds of miles from remote areas of the State and suffer extreme hardship in many instances, and to be constantly reminded that any tenement they obtain under the Act is not to be a tenement but a "mining privilege," to be handed out to them, and to be taken from them just as easily, is something which they find abhorrent. I have heard people express the view that they hate the thought of being placed in this position of subservience. On many properties throughout Western Australia there is a feeling of antipathy towards those who engage in mining operations.

Prospectors are faced with all kinds of signs—and sometimes even savage dogs—designed to keep them off properties, and this places them in a position of subservience. We have only a certain number of tenements under this Bill. I think the Minister has said that the number has been reduced from 39 to about 12. I cannot see any advantage at all to the Mines Department in referring to those tenements in force prior to the new legislation being proclaimed, as "tenements," and those issued subsequent to the proclamation of the legislation, as "mining privileges." No-one ever uses the term "mining tenements" or "mining privileges." People refer to "mineral claims" or "mineral leases." Under the new legislation the terms used will be "prospecting licenses," "exploration licenses," and so on.

In those circumstances I cannot help but feel the Committee should without any doubt support the simple straightforward amendment. No member on this side or the other side of the Chamber, who represents a mining area, would not have an aversion to the term "mining privileges." In fact, those members have already expressed that aversion. The word has been bandied around now for about 18 months, but everyone desires the old term "mining tenements" to be retained.

The word "privilege" emphasises that the prospectors have the right to prospect only at the whim of the officials of the Mines Department, the Minister, or the warden. This is always at the back of their minds. They have a mining privilege which can be granted to them in certain circumstances, but equally it can be as easily taken from them. No other point exists in making the alteration. Therefore I hope the Minister will support the amendment.

Progress

Progress reported and leave given to sit again, on motion by Sir Charles Court (Leader of the Opposition).

QUESTIONS (34): ON NOTICE

1. GRIEVANCES

Effect of Adjournments of the House

Mr. MENSAROS, to the Premier:

(1) Was it planned or coincidental that both weeks when Parliament did not and will not sit respectively during this second part of the current session include the "second" Wednesday on which—according to Standing Orders—grievance debate takes place?

(2) Will he ensure that in future if Parliament adjourns for the weeks which include the "second" Wednesday, Standing Orders be suspended so that grievance debate could take place on every second sitting week?

Mr. J. T. TONKIN replied:

(1) It certainly was not planned that the grievance debate be avoided for the very obvious reason there was no purpose to be served as there do not exist any genuine grievances of sufficient substance to provide talking points for the Member or his colleagues.

(2) The grievance debate will be taken from time to time in accordance with Standing Orders.

2. PORT OF BUSSELTON

Closure: Alternative Employment

Mr. BLAIKIE, to the Minister for Works:

(1) Further to the public assurance given by him that men employed on jetty maintenance at Busselton would be employed in other Public Works Department activities when this facility closed, will he advise whether alternative employment for the men concerned has been programmed?

(2) It not, why not?

Mr. JAMIESON replied:

(1) Yes. In the first instance the men are to be employed on minor work on the Busselton jetty to make it secure for pedestrian use.

(2) Answered by (1).

3. BEACHES

Busselton: Erosion

Mr. BLAIKIE, to the Minister for Works:

(1) Has he received correspondence from the Shire of Busselton dated 3rd July, 1972 relative to beach erosion?

(2) If so, is it still the opinion of his department that estimated costs of restoration works will approximate $120,000?

(3) Has his department arranged for a programme of works in this matter, and, if so, will he give details?

Mr. JAMIESON replied:

(1) Yes.

(2) The original estimate of $120,000 for the cost of beach stabilisation work between Guerin Street and Atkinson Street is still valid.

(3) The Public Works Department has recently offered to share 50/50 with the Shire of Busselton costs of protecting the foreshore in front of the existing subdivisions as far as east of Guerin Street. This is 2,000 feet beyond the limit of the works on which $40,240 has already been expended. A hydrographic survey is being arranged over this section. This is necessary to determine the best remedial measures and to confirm the preliminary estimates of costs which have been made.

4. EDUCATION

Student Excursions: Use of M.T.T. Buses

Mr. RUSHTON, to the Minister representing the Minister for Transport:

(1) Is he aware of the considerably increased costs to school students who arrange excursions to the country due to the policy of insisting upon the use of trains or railway buses instead of the M.T.T. buses?

(2) Which have been the exceptions to this policy since its introduction including—

(a) the name of the school;

(b) the date of approval?

(3) Is he prepared to amend this policy where appreciable advantage would accrue to the students by using M.T.T buses?

Mr. H. D. EVANS replied:

(1) Yes. The railway buses have been built to standards for the comfort of passengers over long distance journeys, whereas the Metropolitan (Perth) Passenger Transport Trust vehicles are designed for the commuter journey only. For this reason, charges are greater for hire of railway buses.

(2) Separate booking records are not kept after 31st December of each year. Since 1st January, 1972, the following hires to the country, have been undertaken:—

Tuart Hill primary school—8th April, 1972—to Pemberton.

Tuart Hill primary school—15th April, 1972—to Pemberton.

Yokine primary school—26th July, 1972—to Collie.

(3) The matter is currently receiving consideration.

5. TRAFFIC

Kelmscott Shopping Centre: Speed Limit

Mr. RUSHTON, to the Minister representing the Minister for Police:

(1) What are the equivalent speed limits to apply in place of the present 35, 40 and 65 m.p.h. limits when the metric measurement is introduced?

(2) Will he give an assurance that the speed limit through Kelmscott Shopping Centre will now be reduced to 35 m.p.h. as frequently requested, or, that the equivalent limit to 35 m.p.h. will apply on introduction of kilometers?

Mr. BICKERTON replied:

(1) No decision has been made.

(2) No.

6. TRAFFIC LIGHTS AND CROSSWALK

Albany Highway: Kelmscott

Mr. RUSHTON, to the Minister for Works:

When will traffic lights be installed at the junction of Albany Highway and Denny Avenue, Kelmscott or a lighted and signed pedestrian cross-over of Albany Highway, Kelmscott, be provided for the safety and convenience of Kelmscott residents in the shopping area?

Mr. JAMIESON replied:

At this stage the Main Roads Department has no proposals for the installation of traffic lights at the junction of Albany Highway and Denny Avenue, Kelmscott.

As advised in reply to Question 11 of 27th April, 1972, it was stated that the warrant for a pedestrian crossing had not been met but that the department proposed the provision of a median island on Albany Highway to facilitate and safeguard pedestrians crossing the highway in Kelmscott. The department expects to install this median pedestrian refuge in the next few weeks.

7. LEGAL AID SCHEME

Finance and Operation

Mr. HUTCHINSON, to the Attorney-General:

(1) What sums of money were granted by the Government for each of the past two years to assist in the provision of legal aid under the scheme administered by the law society?

(2) What is the name of this organisation?

(3) Where can it be contacted?

(4) How many people have been assisted in each of the last two years?

(5) Does a means test operate?

(6) If so, what are the details?

(7) What was the total sum of money in the fund at the end of the last financial year?

Mr. T. D. EVANS replied:

(1) 1970-71—$24,500.00.
1971-72—$46,580.77.

(2) Legal assistance scheme.

(3) Ground floor, Treasury Building, Barrack Street, Perth.

(4) 1970-71—565.
1971-72—926.

(5) Yes.

(6) Legal assistance rules 1971, Nos. 3, 4, 5 and 6 set out the method of computing income and capital. If the applicant's expendable income is $1,500 or more per annum and the expendable capital is $1,500 or more, the applicant is not eligible for aid.

(7) $205,858.48.

8. STAMP DUTY ON RECEIPTS

Refunds

Mr. RUSHTON, to the Treasurer:

(1) Has the actual commitment by the Government for the refund of receipt tax now been determined?

(2) If not, what is causing the delay?

(3) If "Yes" to (1)—

(a) how many applications have been accepted;

(b) what is the total sum to be refunded to applicants;

(c) what sum is to be applied towards charitable purposes?

(4) Is the sum relinquished for charitable purposes to be provided from State revenue this financial year?

(5) Will he advise—

(a) the persons to administer the fund for charitable purposes;

(b) the conditions to apply for allocation of these funds?

Mr. J. T. TONKIN replied:

(1) No.

(2) The applications have to be checked and processed.

(3) Answered by (2).

(4) This is a budgetary matter and an announcement will be made when the budget is introduced.

(5) These matters are under consideration.

9. TOWN PLANNING

Naval Base Housing Project

Mr. RUSHTON, to the Premier:

(1) As invited by him in his reply to a question without notice on 5th September, has he or his department received an objection to the Government's announced intention of rezoning 1,300 acres of industrially zoned land at Naval Base for residential purposes from the Western Australian Industry Council for Environmental Harmony or other persons or organisations?

(2) On what dates were these objections received?

(3) What was the substance of these objections?

(4) If "Yes" to (1), is he aware who are the member organisations of this council and the other persons and organisations who have lodged objections, and, if so, will he list them?

(5) What action has been taken upon receipt of the council's objection?

(6) Will the Government now have regard for the widespread authoritative objections received and discontinue its intention to have this 1,300 acres developed for housing?

Mr. J. T. TONKIN replied:

(1) and (2) A letter from the Western Australian Industry Council for Environmental Harmony dated 11th July, 1972, and headed "Environmental Protection Act, 1971" was received. It deals with several matters and attitudes to and philosophy of the Act. One of the matters related to "a residential area to the north of the Kwinana industrial complex".

(3) The council expressed concern and said it considered the proposed buffer zone between industrial and residential areas was insufficient. (No scientific evidence was submitted to substantiate their concern.)

(4) Yes—Chamber of Manufactures (W.A.) Inc.

Meat and Allied Trades Federation of Australia (W.A. Division).

Pastoralists & Graziers Association of W.A. (Inc.).

Perth Chamber of Commerce (Inc.).

Master Builders Association of W.A.

Australian Federation of Civil Engineering Contractors.

Clay Brick Manufacturers Association of W.A.

Chamber of Mines of Western Australia (Inc.).

Extractive Industries Association.

Associated Sawmillers and Timber Merchants' of W.A.

Chamber of Automotive Industries.

The Metal Industries Association of Australia (W.A.).

(5) The matter was referred to the Minister for Environmental Protection, Health and Town Planning.

(6) All objections received are being considered by a sub-committee of Cabinet which is consulting with the departments concerned.

10. TRADES HALL BUILDING PROJECT

Government Guarantee

Sir CHARLES COURT, to the Premier:

(1) What are the reasons that caused the Government to agree to underwrite through a guarantee the financial arrangements for the proposed new Trades Hall building?

(2) Why was the guarantee necessary when many projects of this kind have been and are being undertaken without risking taxpayers' funds through Government guarantees?

(3) What is the amount of the guarantee under consideration?

(4) Will this type of guarantee now be generally available for high rise office building development in the future both to private developers and to political and other organisations?

(5) (a) Will he table details of any alternative accommodation proposals submitted to him or to his colleagues for accommodation to be occupied by State Government departments or semi-Government authorities, including the Medical and Public Health Department;

(b) were Government guarantees involved?

(6) (a) What is the rent under discussion by the Medical and Public Health Departments with the Trades Hall building proposal;

(b) does this rent include air conditioning and cleaning;

(c) how do these rents rank with the other proposals received by the Government for rental space for the Medical and Public Health Department?

Mr. J. T. TONKIN replied:

(1) For the purpose of assisting to relieve unemployment in the building trades and also because it was considered conducive to industrial harmony to assist trade unions with the provision of accommodation specially located and designed to meet their requirements.

(2) The guarantee was considered justified because it made it possible for the funds required to be obtained at a lower rate of interest than would otherwise have been the case thus enabling accommodation to be made available at lower rentals.

(3) $1,900,000.

(4) Each case will be treated on its merits with regard to the guidelines set by the Government of which the Leader of the Opposition was a member.

(5) (a) and (b) I am prepared to have a search made of other proposals and supply the information to the House in due course.

(6) (a) to (c) The rent to be charged is to cover all costs except air conditioning. It is lower than rentals which the Government is now paying and which it would be required to pay under other proposals.

11. TOWN PLANNING

Swan Location 74: Rezoning of Lots

Mr. O'NEIL, to the Premier:

Since he, in a minute to the then Minister for Town Planning dated 17th August, 1971, stated—

> "Miss McMahon has been most unfortunate in her business dealings and has been the victim of some sharp practices. If it is possible to help her it would be assistance well placed."

would he—

(a) outline the sharp practices to which he referred; and

(b) indicate how she could be assisted by rezoning of lots 105 and 108 Swan location 74 in which she apparently has no financial interest?

Mr. J. T. TONKIN replied:

(a) No, as the sharp practices referred to were not in any way associated with government and were entirely of a private nature.

(b) My minute merely suggested that if Miss McMahon could be helped there was justification for it. As to how the lady could be assisted, I had no idea.

12. TOWN PLANNING

Swan Location 74: Rezoning of Lots

Mr. O'NEIL, to the Minister for Town Planning:

(1) Has he noted the footnote by the then Minister for Town Planning on folio 169 of file 853/2/17/5 tabled in the Legislative Assembly on 5th September, 1972?

(2) Is he or his department aware of the "plight of Miss McMahon" referred to as being both "serious and urgent" in that footnote, and, if so, will he explain?

(3) To the best of his knowledge has Miss McMahon any financial or other interest in lots 105 and 108 Swan location 74?

(4) If Miss McMahon has no financial or other interest in these lots could he explain how the "serious and urgent plight" of Miss McMahon could be assuaged by rezoning the lots referred to?

(5) If he has no personal knowledge of the matters raised in questions (2), (3) and (4), would he inquire of a Mr. L. W. Graham (who, according to a letter dated 6th June, 1972 and tabled in Parliament on 22nd August, 1972, had discussions with interested parties in this matter) in order to ascertain whether that officer has any knowledge of Miss McMahon's plight and having done so would he explain the situation to the House?

Mr. DAVIES replied:

Presuming the file number meant in the question is 8532/17/2/S and not 853/2/17/5 the answer is—

(1) Yes.

(2) No knowledge.

(3) and (4) No.

(5) The discussions referred to were in the form of a request from a Mr. G. M. Robertson for a confirmatory letter that the rezoning had been supported by the then Minister for Town Planning, the reasons for his decision and an indication of the likely date of scheme finalisation. These points were answered in the letter of 6th June, 1972.

13. IMMIGRATION

Persons of Non-European and Mixed Descent

Mr. MENSAROS, to the Minister for Immigration:

Could he give information as to how many in each year of the total numbers of non-Europeans and persons of mixed descent admitted to Australia for residence

or granted resident status following entry for temporary residence, viz.—

1967	....	5,525
1968	....	7,381
1969	....	9,410
1970	....	9,055
1971	....	9,866

have come to Western Australia and/or were granted resident status in Western Australia?

Mr. H. D. EVANS replied:

The State department does not keep such statistics.

14. ELECTRICITY SUPPLIES

Accounts: Inclusion of Rates

Mr. MENSAROS, to the Minister for Electricity:

(1) Why does the State Electricity Commission not show the various rates applicable to electricity and gas units consumed in the metropolitan area on the quarterly invoices as it used to do some years ago?

(2) Could this practice be reintroduced to enable consumers to have a closer check and understanding of the invoices they receive?

Mr. MAY replied:

(1) There is not sufficient room on the accounts for the comprehensive tariffs and the location of paying stations.

(2) Answered by (1). However, copies of tariff schedules are available on application.

15. POLICE STATION

Dwellingup

Mr. RUNCIMAN, to the Minister representing the Minister for Police:

Because of the demand for more police assistance from Pinjarra can he give consideration to the reopening of the Dwellingup police station?

Mr. BICKERTON replied:

The matter is at present being investigated.

16. ARTIFICIAL INSEMINATION CENTRE

Harvey

Mr. RUNCIMAN, to the Minister for Agriculture:

What is the current planning for renovations and additions to the artificial breeding centre at Harvey?

Mr. H. D. EVANS replied:

Plans allowing for renovation of the existing buildings plus extensions for storage and laboratory space have been drawn up and are at present with the estimating section of the Public Works Department.

17. CATTLE

Identification Marks on Calves

Mr. I. W. MANNING, to the Minister for Agriculture:

What identification marks are required for calves under six months of age which are—

(a) transported to and from a calf market;

(b) offered for sale at a cattle market?

Mr. H. D. EVANS replied:

For both cases cited in (a) and (b) a calf, regardless of its age, on leaving a run situated in the south-west land division or in certain shires outside that division, must carry either a registered earmark of the proprietor, or a registered brand of the proprietor, in the form of a firebrand, a freezebrand or such other form as the registrar approves.

At the present time the registrar has approved the use of an eartag bearing the registered brand for calves younger than six months.

18. *This question was postponed.*

19. WATER SUPPLIES

Tunnel: Canning Dam-Roleystone

Mr. RUSHTON, to the Minister for Water Supplies:

(1) Has the environmental report upon the tunnel project at Roleystone been submitted?

(2) Will he table the report now or when report received?

(3) Will he—

(a) indicate the easement required to lay the two 54 in. pipe mains from Roleystone to Gosnells;

(b) confirm these mains will follow the route of the present new 54 in. main;

(c) advise the estimated time for construction of the second main?

Mr. JAMIESON replied:

(1) The final report is expected early next week on the return of the Director of Environmental Protection from leave.

(2) Consideration will be given to this on receipt of the report. In any case, the report could be made available for perusal by the Member in the office of the General Manager of the Metropolitan Water Board, by arrangement.

(3) (a) to (c) It is premature to decide a route for the second 54 in. pipeline from Roleystone to Gosnells as this work can be expected to follow the

construction of the first 54 in. main from Gosnells to the service reservoirs and this work will not be completed for some years.

20. *This question was postponed.*

21. ESPERANCE SCHOOL

Lighting System

Mr. W. G. YOUNG, to the Minister for Education:

(1) Is he aware of the unsatisfactory lighting at the Esperance primary school?

(2) If so, for what reason has the upgrading of the lighting system been deferred until 1973-74?

(3) Has a cost estimate been done for the upgrading of the lights?

(4) If so, what was this cost?

Mr. T. D. EVANS replied:

(1) Yes.

(2) Alternative methods of improving the existing lighting are at present being investigated by the Public Works Department and a report is expected in the near future.

(3) No, this will be included in the Public Works Department report.

(4) Answered by (3).

22. POLICE

Medic Alert Bracelets

Mr. STEPHENS, to the Minister representing the Minister for Police:

(1) Are the police, including traffic police, educated to look for medical alert bracelets where a member of the public is suspected of being under the influence of drugs or alcohol?

(2) If not, will he take appropriate action to have the officers informed regarding the bracelets?

Mr. BICKERTON replied:

(1) Yes. All police officers were given full details on 7th June, 1972.

(2) Answered by (1).

23. INSTITUTE OF TECHNOLOGY AND UNIVERSITY OF W.A.

Non-Academic Staff: Salaries

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

In view of the serious incompatibility between the salaries and conditions of the non-academic staff of the Western Australian Institute of Technology and the University of Western Australia, what action is being undertaken by the Tertiary Education Commission to overcome the problem?

Mr. T. D. EVANS replied:

The Western Australian Tertiary Education Commission is currently seeking the advice of the Public Service Board on the overall structure of non-academic staffs of present and future tertiary institutions which are or will fall within the scope of the responsibilities and duties of the Commission.

24. EDUCATION

Retarded Reading: Remedial Measures

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

(1) What percentage of children entering Government high schools first year classes in 1971 were retarded in their reading ages—

(a) one year;

(b) two years;

(c) three years;

(d) four or more years?

(2) Are similar figures available for non-State schools; if so, what are the figures?

(3) What remedial work is being done in—

(a) primary;

(b) secondary,

schools to overcome such retardation?

Mr. T. D. EVANS replied:

(1) and (2) The information as requested is not available. Tests for reading ability in high school students are not administered on a State wide basis.

(3) (a) There are 10 full-time and 45 part-time remedial classes in primary schools.

(b) Six full-time remedial centres operate in secondary schools and, in addition, 20 remedial teachers are employed on a part-time basis.

25. SCHOOLS

Reading Skill Tests, and Enrolments

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

(1) How many test papers purporting to measure reading skills were issued in 1971 from the guidance branch for use in the various primary school grades by class teachers in Government schools?

(2) What were the enrolments in each of the primary school grades in Government schools in 1971?

Mr. T. D. EVANS replied:

(1) Group tests on reading readiness—11,380.

Group tests on reading comprehension—34,193.

Group tests on reading vocabulary —33,545.

Individually administered tests (world recognition)—450.

(2) As at 1st August 1971—

Grade	1	18,195
	2	17,863
	3	18,183
	4	18,118
	5	17,816
	6	17,328
	7	16,703
Special classes		1,212
Special schools		1,257
	Total	126,675

26. SEWERAGE

Subdivisions: Limited Financial Contribution

Mr. O'CONNOR, to the Minister for Water Supplies:

(1) Has the Government approved any subdivision in which it has limited the amount for sewerage to be contributed by the subdivider to not more than a certain sum per block?

(2) If so, will he—

(a) advise the details;

(b) table the files?

Mr. JAMIESON replied:

(1) Yes. The Public Works Department has entered into an arrangement with the subdivider for sewerage at Two Rocks whereby a charge of $200 per lot is made.

In so far as the Metropolitan Water Board is concerned it has constructed works on behalf of subdividers at a quoted price on an acreage basis, in many areas including Whitfords, Hamersley, Lynwood, Willetton, Bateman and Kelmscott.

(2) (a) Answered by (1).

(b) The file for any specific area could be examined in the office of the Under Secretary for Works or the General Manager of the Metropolitan Water Board, by arrangement.

27. TRANSPORT DEPARTMENT

Receipts, 1968 to 1972

Mr. O'CONNOR, to the Minister representing the Minister for Transport:

What amount of collections did the Transport Department receive for the three months, March, April and May in—

(a) 1968;

(b) 1969;

(c) 1970;

(d) 1971;

(e) 1972?

Mr. JAMIESON replied:

Year	March	April	May
	$	$	$
1968	236,157	239,271	250,007
1969	266,276	260,259	302,821
1970	285,218	329,220	320,644
1971	292,227	317,872	285,616
1972	455,851	227,287	373,146

28. EDUCATION

Universities: Staff-Student Ratios

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

(1) Referring to question 14 of Tuesday, 5th September, 1972 were the student/staff ratios of the University of Western Australia and the Western Australian Institute of Technology arrived at by application of the same formula?

(2) If not, is it possible to discount mathematically-induced bias so that fairly comparable ratios may be cited?

(3) If (2) is "No" will he request the Tertiary Education Commission to investigate the possibility of devising a formula which will permit comparable ratios to be given?

Mr. T. D. EVANS replied:

(1) No.

(2) The student/staff ratio for the University of Western Australia is calculated in conformity with the requirements laid down by the Australian Universities Commission (A.U.C.).

The Western Australian Institute of Technology on the other hand has devised a different set of definitions to meet its requirements pending the adoption by the Australian Commission on Advanced Education (A.C.A.E.) of a uniform set of definitions and formulae for colleges of advanced education.

This matter was the subject of a recent conference in Canberra conducted under the auspices of the A.C.A.E.

(3) The Western Australian Tertiary Education Commission is pressing the A.U.C. and the A.C.A.E. to adopt definitions and formulae but because at this stage the requirements of the A.U.C. and the A.C.A.E. are different, the A.U.C. and A.C.A.E. have not as yet agreed to adopt a common approach.

29. LAND

Ownership by Foreigners

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

Referring to question 13 of 5th September, 1972, will he investigate the possibility of establishing

a register to record the land owned by foreign persons, natural or artificial, so that a watch may be kept on an alarming trend?

Mr. H. D. EVANS replied:

This would not be a practicable proposition for the Lands Department which deals only with original grants of Crown lands.

30. EDUCATION

Relief Teachers

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

(1) Is he aware that children from classes whose teacher is absent are split up amongst other teachers in class I or IA schools although the headmaster is a non-teaching one?

(2) If not, will he undertake to have the practice investigated by superintendents with a view to securing relief for pupils and class teachers whose work is being adversely affected by such practices?

Mr. T. D. EVANS replied:

(1) Whilst the department does not favour this practice it is possible that it does occasionally occur due to some special circumstances.

(2) The department is prepared to look into any cases referred to it.

31. ROAD MAINTENANCE TAX

Payers and Vehicles

Mr. O'CONNOR, to the Minister representing the Minister for Transport:

(1) How many persons or companies pay road maintenance tax?

(2) What number of vehicles does this represent?

Mr. JAMIESON replied:

(1) and (2) Only approximate figures can be given. They vary considerably from month to month.
During the year 1971-72, the number of contributors varied between 1,170 and 1,326, while the number of vehicles varied from 2,721 to 3,665.

32. ROAD MAINTENANCE TAX

Arrears in Payment

Mr. O'CONNOR, to the Minister representing the Minister for Transport:

(1) How many people were in arrears with road maintenance tax at 30th June, 1972?

(2) What total sum was involved?

(3) How many summonses have been issued for this amount?

(4) How many persons were involved in the summonses?

Mr. JAMIESON replied:

(1) to (4) The information sought by the Member would involve an examination of every file in the records system of the Transport Commission and would take several weeks, if staff were available. Under the circumstances the information is not available.

33. PUBLIC HEALTH DEPARTMENT

Office Space: Approaches

Mr. R. L. YOUNG, to the Minister for Health:

(1) Following his answer to my question 9 on 6th September, 1972 will he advise which buildings were the subject of written propositions by the four private developers who sought Health Department tenancy?

(2) Why was the proposal to build on the existing site bounded by Hay, Irwin and Murray Streets not feasible?

Mr. DAVIES replied:

(1) Lombard House, 251 Adelaide Terrace, Perth, and proposed buildings at—

(a) 21 Murray Street, Perth.

(b) 42-48 Wellington Street, East Perth.

(c) Cnr. Hay Street and Railway Parade, Subiaco.

(2) Funds were not available.

34. PRISON SENTENCES

Judgment Summonses and Maintenance Orders

Mr. BERTRAM, to the Minister representing the Chief Secretary:

During each of the three years ended 30th June, 1970, 1971 and 1972 how many persons served prison sentences by reason of having failed to comply with—

(a) an order made upon a judgment summons;

(b) a maintenance order?

Mr. MAY replied:

(a) Year ended—

30th June 1970	....	150
30th June, 1971	....	136
30th June, 1972	....	98

(b)

30th June, 1970	....	137
30th June, 1971	....	169
30th June, 1972	....	150

QUESTIONS (7): WITHOUT NOTICE

1. VISIT OF THE AMBASSADOR FOR THE REPUBLIC OF SOUTH AFRICA

Apology for Demonstration

Sir CHARLES COURT, to the Premier:

(1) Has there been any consultation between the Government and the University of Western Australia about the incident that occurred when the South African Ambassador visited the university on Tuesday?

(2) Have those responsible for the incident been identified by the university and/or by the Government's appropriate representatives?

(3) What action is proposed against those responsible for the demonstration and, in particular, what action is proposed against the person who mounted the Ambassador's car and caused damage to it?

Mr. J. T. TONKIN replied:

(1) Yes.

(2) Not yet; inquiries are proceeding.

(3) Subject to identification effort will be made to recover the cost from the person involved.

2. VISIT OF THE AMBASSADOR FOR THE REPUBLIC OF SOUTH AFRICA

Apology for Demonstration

Mr. RUSHTON, to the Premier:

(1) What has been the form of apology extended by the Government to their guests, the South African Ambassador and his wife, for the treatment Mr. and Mrs. Mills received when visiting the University of Western Australia?

(2) What protection were the visitors given during the call at the university?

(3) Will he describe the action or actions initiated against a person or persons who interfered with public property or the Ambassador's vehicle during the Premier's Department organised visit to the University of Western Australia?

Mr. J. T. TONKIN replied:

(1) A personal telephone call to His Excellency the Ambassador for the Republic of South Africa.

(2) The normal arrangements in such circumstances were made.

(3) Inquiries are proceeding. Subject to identification effort will be made to recover the cost from the person involved.

3. PORT OF BUSSELTON

Closure: Rural Unemployment Relief

Mr. BLAIKIE, to the Minister for Works:

Will the jetty gang at Busselton be financed by grants received from the Commonwealth to assist rural unemployment?

Mr. JAMIESON replied:

I will have to ask the honourable member to place the question on the notice paper.

4. HOUSING AT PORT HEDLAND

Criticism

Sir CHARLES COURT, to the Premier:

(1) With reference to the criticism by the Trades and Labor Council of housing at Port Hedland for Goldsworthy Mining Ltd. employees, will he please advise the extent and nature of the housing deficiencies complained of by the Trades and Labor Council?

(2) (a) Is he correctly reported as having referred to the location involved as "a company town"?

(b) How is it that Port Hedland can be classed as "a company town" when in fact Port Hedland houses employees of many companies and is administered as a community in the normal way by the local authority with Government departments and instrumentalities carrying out the functions they normally carry out in communities of this kind?

(3) Is his reference to Port Hedland confined to any particular part of Port Hedland?

(4) Are not the houses provided by the company up to the standards insisted on by local authority and Government departments?

(5) If Goldsworthy Mining Ltd. has not provided sufficient houses for its employees, how has this situation developed, particularly as there has been a renegotiation of the Goldsworthy project in recent months under which the company has accepted additional responsibilities and has made a lump sum contribution towards improving facilities in the area?

Mr. J. T. TONKIN replied:

(1) to (5) Although I received some notice of this question, there was insufficient time to obtain the information. I therefore ask the Leader of the Opposition to place the question on the notice paper.

5. DROUGHT RELIEF

North-Eastern Goldfields

Mr. COYNE, to the Minister for Agriculture:

(1) In view of the fact that the report of the special committee on the plight of pastoralists in the north-eastern goldfields was submitted to the Government-appointed Drought Relief Committee prior to the 16th August, would the Minister indicate how

much longer must these people endure suspense and anxiety whilst awaiting a decison affecting their future prospects?

(2) Does he realise that the drought situation in the area under review has not improved to any degree in recent months and that the provision of long-term low-interest loans is still the prime requisite if these pastoralists are to re-establish themselves?

(3) As other States have overcome similar drastic situations in like circumstances by the allocation of substantial relief funds, would the Minister show his concern for this section of the community by stating his intentions in this respect?

Mr. H. D. EVANS replied:

(1) to (3) I advise the honourable member that the report involves major policy considerations and it is being dealt with as expeditiously as possible. The need for long-term finance is amongst the matters reported on by the committee and decisions must await full consideration of these recommendations.

6. WATER SUPPLIES

Storage Reservoir at Karragullen

Mr. RUSHTON, to the Minister for Works:

Reverting to question 13 of the 6th September, 1972—

(1) (a) With respect would he check his answer as a survey in the Stoney Brook area should have no relationship to the survey carried out in Karragullen orchards?

(b) Why were the Karragullen surveys carried out?

(2) Is it a part of long-term planning to build a storage reservoir downstream from Canning dam?

(3) If "Yes" to (2), where is the prospective site?

Mr. JAMIESON replied:

(1) to (3) The only survey conducted by the Metropolitan Water Board in this area was more than 12 months ago and related to the precise definition of the Canning catchment boundary.

7. NEW INDUSTRY

Announcement in Television Programme

Mr. RUSHTON, to the Premier:

(1) Is the recently announced imminent resumption of the second stage of the Pinjarra-Alcoa construction programme the new industry he referred to in his recent *Half-Way* TV programme?

(2) If "No" to (1), is he now in a position to advise the name of the new industry to come to Western Australia?

Mr. J. T. TONKIN replied:

(1) The construction of Alcoa was referred to during the TV programme but it was not the industry the commencement of which I foreshadowed would occur within one month.

(2) The matter is still confidential.

Sitting suspended from 3.57 to 4.13 p.m.

TRANSPORT COMMISSION ACT AMENDMENT BILL

Receipt and First Reading

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

BILLS (6): RETURNED

1. Alumina Refinery Agreement Act Amendment Bill.
2. Alumina Refinery (Pinjarra) Agreement Act Amendment Bill.
3. Mental Health Act Amendment Bill.
4. Auctioneers Act Amendment Bill.
5. Noxious Weeds Act Amendment Bill.
6. War Service Land Settlement Scheme Act Amendment Bill.

Bills returned from the Council without amendment.

OLYMPIC GAMES: MUNICH TRAGEDY

Commemorative Church Service

THE SPEAKER (Mr. Norton): I wish to take this opportunity to draw the attention of members to the combined church service which is to be held at St. Mary's Cathedral on Sunday next, at 3.00 p.m., in commemoration of those killed at Munich.

I have been invited to represent the Assembly at this service, and I have been asked to advise members that any who wish to take part will be most welcome. I regret I will be unable to attend.

APPROPRIATION BILL (GENERAL LOAN FUND)

Second Reading

MR. J. T. TONKIN (Melville—Treasurer) [4.17 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this measure is to appropriate from the General Loan Fund the sums required to finance certain capital works, details of which are given in the Loan Estimates to be distributed at the end of my speech.

Moneys paid into the General Loan Fund consist of new borrowings approved by the Australian Loan Council, repayments to the fund of sundry advances made in previous years, and grants from the Commonwealth for general capital purposes.

The amount available for 1972-73 will be $98,410,000. This amount comprises new borrowing of $68,503,000, loan repayments of $6,206,000, a grant from the Commonwealth of $23,213,000, and an unexpended balance in the fund at the 30th June, 1972, of $488,000.

This total of $98,410,000 compares with actual expenditure in 1971-72 of $92,330,000. The extra amount available from the General Loan Fund for spending in this financial year is therefore $6,080,000.

Before I turn to speaking on the main items in the Estimates, I propose to refer briefly to other funds which will be available in 1972-73 for capital purposes.

In addition to approving the annual works and housing programmes of the States, the Loan Council approves an aggregate annual borrowing programme for larger State semi-governmental and local authorities.

Larger authorities were previously defined as those borrowing more than $300,000 in a year. Smaller authorities were those borrowing $300,000 or less.

At the June, 1972, meeting of the Loan Council, I pressed for a lift in the ceiling of $300,000, and although there was some opposition to my representations I was successful in having the amount raised to $400,000.

This change will be of considerable benefit not only to local authorities throughout the State but also to many of our smaller semi-governmental authorities.

The borrowing programme approved by the Loan Council for semi-governmental bodies and local authorities, whose individual annual raisings exceed $400,000, is $32,785,000 for 1972-73.

This is an increase of $7,737,000 on last year's programme, which is a significant lift in this source of funds. The increase consists of—

$3,000,000 to compensate for a reduction of a like sum in our 1972-73 Special Revenue Grant, in accordance with an arrangement decided at a Premiers' Conference in June, 1970;

a further $3,000,000 as a special additional allocation to Western Australia; and

$1,737,000 being our share of the general increase in the total borrowing programme for all States.

The distribution of the 1972-73 borrowing programme is as follows:—

	$
State Electricity Commission	15,000,000
State Housing Commission	3,500,000
Metropolitan Water Board	5,500,000
Metropolitan Region Planning Authority	1,000,000
W.A. Institute of Technology	800,000
Midland Junction Abattoir Board	885,000
Fremantle Port Authority	900,000
Perth City Council	2,000,000
Stirling City Council	900,000
Wanneroo Shire Council	600,000
W.A. Fire Brigades Board	600,000
Fremantle City Council	500,000
Gosnells Shire Council	600,000

The Loan Council also agreed at its June, 1972, meeting that the policy adopted in recent years of not placing any overall limit on the borrowings of smaller authorities would be continued in 1972-73.

The aggregate loan raisings of these smaller borrowers in 1971-72 was $16,682,000 and the estimate for 1972-73 is $17,800,000.

State Government authorities in this category are expected to raise $7,865,000 in this financial year to assist the financing of their works programmes.

Commonwealth Loans and Capital Grants

In 1971-72 the Commonwealth made payments to Western Australia totalling $20,375,000 for specific capital works other than roads. Of this total, an amount of $16,971,000 was by way of grant and the balance of $3,404,000 was in the form of loans.

The total allocated for 1972-73 is $19,994,000 comprising grants of $17,573,000 and loans of $2,421,000.

These grants and loans are not subject to Loan Council approval and because full details are given in the Commonwealth publication *Payments to or for the States* I do not propose to deal with them in this speech.

In 1971-72 the Commonwealth allocated $4,947,000 for war service homes and housing for the Armed Services, and in this current year will provide $5,450,000 for these purposes.

Domestic Funds

The domestic funds of certain State instrumentalities are an important source of money for capital works. Depreciation funds, cash balances, and profits are the main items. It is expected that funds available in 1972-73 from these avenues will total $50,347,000.

The major bodies with this source of finance and the amounts available to them in 1972-73 are—

	$
State Electricity Commission	20,550,000
State Housing Commission	11,900,000
Railways	2,921,000
Metropolitan Water Board	1,500,000
Fremantle Port Authority	1,645,000
W.A. Coastal Shipping Commission	2,400,000

Other Contributions

Contributions made by mining companies and land developers for the provision of Government services and loans raised by local authorities for specific works also add to funds available for capital works.

It is expected that amounts to be received in 1972-73 will total $15,647,000. The largest single item is a contribution of $5,940,000 from Western Mining Corporation for standardising the railway between Kalgoorlie and Esperance.

Total Capital Works Programme

With the funds available from the sources I have just described, a total works programme of $225,298,000 is to be carried out in 1972-73 financed as follows:—

	$
Proceeds of Commonwealth Loans	68,503,000
Commonwealth General Purpose Capital Grant	23,213,000
Loan Repayments	6,206,000
Cash balance in General Loan Fund at 30th June, 1972	488,000
Semi-governmental Loan Raisings	35,450,000
Commonwealth Special Purpose Grants and Loans excluding Road Funds	19,994,000
Commonwealth Allocation for War Service Homes and Housing for the Armed Services	5,450,000
Domestic Funds	50,347,000
Other Contributions	15,647,000

Last year, a programme of $183,620,000 was carried out with finance from similar sources and so planned expenditure in 1972-73 represents an increase of $41,678,000, or more than 22 per cent. above the outlay in 1971-72.

General Loan Fund Expenditure

As I said earlier, the estimates of expenditure from the General Loan Fund only embrace works to be financed from that fund.

Estimated expenditure in 1972-73 is $98,410,000, and I shall now deal with the main items making up this total.

Railways

Provision has been made for expenditure of $7,662,000 from the General Loan Fund on railways. This amount is less than last year's expenditure mainly because State contributions to the standard gauge project are reducing as the project nears completion.

Other funds available to the railways in 1972-73 include $1,431,000 from the rolling stock replacement fund and advances of $1,250,000 from the Commonwealth for the standard gauge project. In addition, $5,940,000 is available from the Western Mining Corporation as a contribution to the finance required to standardise the Kalgoorlie-Esperance railway.

Last year several standard gauge works were completed, the principal one being the Robb Jetty freight terminal which was opened in March. At Forrestfield several smaller projects were finished, including a carriage washing plant and associated facilities.

Standard gauge work in 1972-73 is to be concentrated mainly on a retarder-controlled wagon marshalling system at Forrestfield and its associated signalling facilities.

Work will continue this year on the conversion to standard gauge of the Kalgoorlie-Esperance line. This project commenced last year when a contract was let for earthworks and tracklaying of the first section between Kalgoorlie and Widgiemooltha. It is expected that tracklaying on this section will be completed this financial year.

An amount of $5,600,000 is to be spent on the narrow gauge system. Work will include rerailing, reballasting, and the replacement of sleepers and other track components. A total of 20 bogie covered vans and 30 grain hopper wagons are to be constructed and collision protection equipment will be fitted to suburban railcars.

Other works programmed include the construction of a new station building at Norseman and the commencement of a new centralised traffic control building at Midland.

State Electricity Commission

The State Electricity Commission has the largest requirement for capital funds of all Government agencies. During the past financial year, $35,100,000 was spent by the commission in an area extending from Kununurra in the far north to Esperance in the south-east.

Major items of capital expenditure included generating plant $14,000,000, transmission $3,400,000, metropolitan electricity distribution $6,000,000, and country

transmission and distribution $6,900,000. In addition, expenditure on gas undertakings, including the conversion of consumers' appliances to use natural gas, amounted to $4,000,000. This programme was financed by a contribution of $3,652,000 from the General Loan Fund with the balance being obtained from internal funds and subscribed loans raised by the commission.

The capital works programme for the present financial year will follow a similar pattern. It has been designed to meet the commission's objectives of providing a reliable and economical supply of electricity and gas to as many people as possible. The programme provides for estimated expenditure of $39,650,000 including $14,200,000 on generating plant, $21,000,000 on electricity transmission and distribution, and $2,300,000 on gas undertakings.

This expenditure is to be financed by $4,100,000 from the General Loan Fund, $15,000,000 from public and private loan raisings, and the balance of $20,550,000 from internal funds of the commission.

Harbours and Rivers

An amount of $4,170,000 is to be spent on harbour and river work in the State not including the Fremantle Port Authority area. A sum of $1,629,000 will be provided from the General Loan Fund, $1,941,000 from loan raisings and domestic funds of the Albany, Bunbury, Esperance, Geraldton, and Port Hedland Port Authorities, and a sum of $600,000 is to be contributed by Alcoa of Australia Limited.

The main items of expenditure will be $1,390,000 for the continuation of work on a new deep-water harbour at Bunbury and $778,000 to continue construction of No. 1 berth at Port Hedland. Provision is also made for extensions to No. 1 and No. 3 berths at Albany, and also for a further deepening of Geraldton Harbour.

Other items in the programme include—

Commencement of a breakwater spur at Esperance;

Construction of a helicopter landing pad at Port Hedland;

Completion of boat pens at the Fremantle Fishing Boat Harbour;

Completion of a jetty at Barrack Street;

Installation of a freezer at Wyndham;

Commencement of upgrading the deck of the Wyndham Jetty; and

Construction of a fishing boat harbour at Mangrove Point, Carnarvon.

Country Areas and Town Water Supplies

A total programme of $8,398,000 is planned for water supplies to country areas and towns. Of the funds required, $6,780,000 is to be provided from the General Loan Fund and $1,000,000 will be contributed by Western Mining Corporation under an arrangement with that company for improvement of the Goldfields Water Supply system to serve nickel mining. A sum of $460,000 is expected to be available from premiums on the sale of land.

Work is to continue on the Comprehensive Water Supply Scheme with an estimated $2,158,000 to be expended on the scheme this year. Of this sum only $158,000 will be provided by the Commonwealth Government. This small contribution completes the assistance being made available for this work from the Commonwealth under the terms of the Western Australian (South West Region Water Supplies) Agreement Act. The balance of $2,000,000 required for expenditure this year will be a charge against the General Loan Fund.

The main works to be undertaken during 1972-73 are reticulation of farmlands in the Kokardine-West and Narrogin-East areas, and construction of the Narrogin-Katanning main.

An amount of $6,240,000 is to be spent on country town water supplies throughout the State. The works proposed are numerous and details appear in the Estimates.

Sewerage Works for Country Towns

Provision is made in the Estimates for expenditure of $790,000 on sewerage works in country towns. This amount will be augmented by contributions from mining companies, premiums from the sale of land, and loans raised by local authorities enabling a total works programme of $2,164,000.

While work will be undertaken in a number of country towns, the major outlay will be at Mandurah where a start has been made on a comprehensive sewerage scheme for that town.

Irrigation and Drainage

This year, the major item of expenditure under the heading of irrigation and drainage will again relate to irrigation work at Kununurra where a Commonwealth grant of $743,000 will be spent on completion work at the Ord Dam site, and a Commonwealth loan of $550,000 on water distribution for stage II of the scheme which will eventually bring an additional 150,000 acres of land into production.

A sum of $280,000 of State loan funds will also be spent on completing stage I of the scheme.

The Carnarvon irrigation system will be further extended this year with expenditure of $290,000. Drainage work will be undertaken in a number of country towns partly financed by contributions from mining companies.

Hospital Buildings

Total expenditure of $8,503,000 has been programmed for hospital buildings this year. Of this amount, $6,500,000 is being provided from the General Loan Fund and the balance consists of loans raised by various hospital boards and contributions from mining companies.

A new emergency centre in the south-east wing of Royal Perth Hospital is at present under construction and work will be continued on this project. Expenditure of $2,420,000 is proposed this year.

A staged programme of development is currently being undertaken at Fremantle Hospital and several large works are in progress. Funds are to be provided for the continuation of these works and in addition a start will be made on a new casualty extension and ambulance room.

Provision is also made for a start on construction of the central hospital laundry and linen service. This project will cost over $4,500,000 and is being financed by private loans raised in each of three years by five metropolitan hospitals.

In the country, the major items of expenditure will be for extension to Pinjarra Hospital and a nursing home at Port Hedland.

Public Health Buildings

Work will continue this year on the new public health laboratories in the Perth Medical Centre with an estimated outlay on the project of $2,900,000. A further $300,000 has been allocated to several smaller projects at country centres.

Mental Health

Expenditure of $1,800,000 is proposed on mental health buildings in 1972-73. Of this amount, $600,000 will be met by grants from the Commonwealth Government.

The main works comprising this programme are construction of the Epsom hostel and pre-school centre at Dianella, a new child guidance clinic at Lemnos, and a tertiary training unit at Pyrton Training Centre.

Perth Medical Centre

An amount of $3,700,000 is included in the Estimates to enable substantial progress to be made on the Perth Medical Centre this year.

It is expected that work will be completed on stages 1 and 2 of the Medical School, extensions to radiology, the central sterile supply department, and upgrading of the operating theatres. Extensive work on landscaping and provision of car parks should also be completed this year.

A sum of $1,770,000 has been allocated for the installation of major plant and $1,100,000 for the psychiatric unit which is currently at the foundation stage.

Schools

A sum of $14,650,000 has been allowed in the Estimates for school works, which is an increase of $3,860,000 on last year's expenditure from the General Loan Fund. In addition, $7,572,000 is available for school buildings this year from Commonwealth grants and contributions from mining companies, compared with an expenditure of $4,419,000 from these sources in 1971-72.

In all, the Government proposes increased spending of $7,013,000 on school buildings this year.

During 1971-72 the first stages of new high schools at Rockingham and Port Hedland were completed and a start was made on high schools at Kelmscott and Kardinya.

In an effort to relieve the unemployment situation, advance approval was given by the Government in March for the department to proceed with new school works to the value of $7,300,000. The early commencement of these projects will also ensure that high priority education works are completed in time for the commencement of the 1973 school year.

Provision is made in the Estimates for construction of new high schools at Carine and Kalgoorlie, and a start will be made on other high schools at Girrawheen and Lockridge. Major extensions are programmed at Balga, Kalamunda, Rockingham and Thornlie.

A sum of $1,375,000 will be spent on science blocks, libraries, and classroom additions at a number of high schools.

Six new primary schools are to be built during 1972-73 and an extensive programme of additions to primary schools throughout the State will also be undertaken.

Stage 2 of the primary teachers' college at Mt. Lawley is currently under construction. A start has been made on the kitchen, canteen, and recreation buildings and it is proposed that the gymnasium, students' association, and art block will be commenced during the year.

The first stage of the Churchlands Teachers' College was commenced last year and work will continue on this project in 1972-73.

Funds have been allocated for the commencement of the first stage of a new technical school at Bentley and additions to technical schools at Carlisle, Midland, Mt. Lawley, and Wembley.

New technical schools were started at Albany and Balga last year with grants provided by the Commonwealth, and further funds are available in 1972-73 for completion of these projects.

Police

The allocation for police buildings in 1972-73 is $1,000,000. In addition, a sum of $150,000 is to be made available from mining company contributions to the State Development Fund.

In the course of the year, new police stations will be built at Karratha, Leonora, Southern Cross, South Hedland, and Tambellup.

A start is to be made this year on the new police headquarters building at East Perth which is expected to cost a total of $4,000,000.

During 1971-72, new police stations were erected at Mt. Magnet, Narembeen, and Wagin and a start was made on new stations at Collie and Lockridge.

Native Welfare

As the provision of housing for Aborigines is now the function of the State Housing Commission, it is no longer necessary to provide for this requirement under the heading of Native Welfare, and accordingly there is no separate vote for this item in the 1972-73 Estimates.

Funds available from other sources for native welfare projects amount to $3,830,000, including Commonwealth grants for Aboriginal advancement of $2,950,000. The balance of $880,000 is a carryover of Commonwealth funds from last year.

These funds will be applied towards the provision of Aboriginal housing, the completion of a vocational training centre at Port Hedland, and construction of health and education facilities for the Aboriginal population at various centres.

Community Welfare

A sum of $667,000 has been allocated in the Estimates for the Community Welfare Department in 1972-73.

Work on the Koorana Day Care Centre at Bentley and the McCall Centre at Cottesloe is proceeding and a start will be made this year on a short stay detention centre at Longmore.

Prison Buildings

Provision has been made for $350,000 to be expended on prison buildings in 1972-73, including a sick bay and instructional block at Bandyup Women's Prison, a kitchen-dining block and staff housing at Broome, and completion of a sewerage scheme at Barton's Mill Prison.

Funds have also been allocated for preliminary investigations associated with the proposed new metropolitan prison.

Other Public Buildings

The allocation in 1972-73 for other public buildings is $1,999,000 and the main projects scheduled include—

- New courthouses at Kalgoorlie, Carnarvon, Kondinin, and Southern Cross.
- Completion of extensions to the Government Printing Office.
- New public offices at Narrogin.
- Additions to the Department of Agriculture offices at Katanning and Manjimup.
- Air-conditioning of north-west housing.

A start is also to be made on the second stage of the Government Stores complex at Welshpool and on alterations to the old Kalgoorlie courthouse to convert it for use as offices.

Metropolitan Water Board

In 1972-73, the Metropolitan Water Supply, Sewerage and Drainage Board spent $18,764,000, of which $9,225,000 was spent on water supplies, $8,979,000 on sewerage, and $560,000 on drainage.

Works to the value of $22,386,000 are planned for this year and these are to be financed by an allotment of $11,000,000 from the General Loan Fund, semi-governmental borrowings of $5,500,000, and the balance from the board's own domestic funds and contributions from property developers.

Consumption of water in the metropolitan area continues to increase at a rapid rate. Last year, consumption amounted to 34,000,000,000 gallons, which represented an increase of 4.7 per cent. over the year before and almost 37 per cent. on the consumption of only four years ago.

The growth of demand for water requires the board to increase its total supply and also the capacity of its mains to convey water from hills storages to the metropolitan area.

During the 1971-72 summer the board's water resources were fully extended over long periods to meet metropolitan water demands. On several occasions, service reservoirs were depleted to dangerously low levels. With the constant growth and spread of housing development it is essential that new works keep pace with demand if major restrictions in supply are to be avoided.

The programme for 1972-73 is aimed at meeting the increased demand for water. Major projects are—

- Construction of the main dam on the South Dandalup River which will be completed, and work is to continue on construction of the Dandalup trunk main.

Work will continue on the 54-inch duplication main from Canning Dam including a start on the Canning tunnel at Roleystone. This work will greatly increase the quantity of water which can be supplied to the city during a heat wave.

Service reservoir storages, including Greenmount reservoir, will be augmented and a large programme of main extensions will be carried out.

High-level services will be improved, including construction of a new tank at Mt. Hawthorn.

Ground water schemes are to be extended. This year will see the completion of the North Gnangara scheme and the Mirrabooka treatment works.

Notwithstanding greatly increased expenditure on deep sewerage in recent years, the board still has the lowest percentage of urban areas sewered of any capital city in Australia.

A considerably higher level of exenditure is required to overcome this unsatisfactory situation and an expanded programme has been authorised for 1972-73. Sewerage work is labour-intensive and the augmented programme will assist with the relief of unemployment in the metropolitan area.

The current programme provides for further substantial progress to be made on both the south-of-the-river scheme and the northern main sewer. Progress with the southern scheme will advance the time of sewering the Town of Canning where major problems are being experienced.

Other projects for this year include—

Continuation of sewerage schemes at Kwinana, Scarborough, Lynwood, Rockingham, and Kelmscott-Armadale.

Further reticulation in Bayswater, Bassendean, East Fremantle, Gosnells, and Koongamia.

Continuation of work on the Beenyup treatment works to serve northern suburbs.

Construction of a new gravity sewer in Swan View and Midland.

Construction of Karrinyup main sewer, Mirrabooka main sewer, and a pump station and rising main at Bull Creek.

A total provision of $837,000 has been made for drainage work within the metropolitan area. Work on large drainage schemes will continue in a number of areas including Scarborough and central Belmont.

State Housing Commission

In 1971-72, the State Housing Commission drew $23,750,000 from the General Loan Fund and raised loans of $2,450,000 under the semi-governmental borrowing programme.

The commission was also allocated $224,000 for aged pensioners' dwellings, and $4,947,000 for war service homes and housing for members of the armed services.

From these allocations, the commission carried out a construction programme costing $30,653,000. Within this programme the commission completed 2,229 dwelling units on its own account, and assisted 489 war service applicants to purchase or build homes. In addition, 465 families were helped to purchase homes through funds allocated to building societies.

In this current year, a programme of $43,055,000 is planned which is an increase of $12,402,000, or more than 40 per cent. above the expenditure of last year.

This programme will be financed from the following sources:—

	$
General Loan Fund	21,650,000
Commonwealth allocation for war service homes and housing for members of the Armed Services	5,450,000
Commonwealth grant for aged pensioners' dwellings	555,000
Semi-governmental loans	3,500,000
Domestic funds	11,900,000

With these funds the commission will be able to complete 2,400 units and assist 459 applicants for war service homes.

Under the current housing arrangements with the Commonwealth, 30 per cent. of the funds allocated to the commission for welfare housing in 1972-73 must be allocated to building societies and this will assist some 550 families to obtain homes.

In addition, the Commonwealth Government has aproved a grant of $1,245,000 for the provision of conventional housing for Aboriginal families.

Housing for Government Employees

No provision is made in the 1972-73 Estimates for an allocation of General Loan Funds to the Government Employees' Housing Authority. However, a sum of $2,145,000, will be available to the authority, of which $1,500,000 will be provided by the State Superannuation Board, $400,000 will come from semi-governmental borowings and the balance from contributions from mining companies.

Total expenditure by this authority last year was of a similar order, amounting to $2,264,000.

Agriculture

Last year loan funds totalling $645,000 were spent under the heading of "Development of Agriculture."

The main outlay in 1971-72 was on new buildings at South Perth and the development of various research stations. Cattle dips at Halls Creek and Kununurra were commenced and these works will be of great value to the cattle industry in the Kimberley in combating the incidence of cattle tick in the area.

In 1972-73 $700,000 is being provided, including $190,000 for the completion of block D at South Perth which is currently under construction, and $321,000 for further improvements at research stations. A new building is to be provided for the district office at Moora and the interstate checkpoint at Norseman will be upgraded.

Forests

An allocation of $900,000 to the Forests Department will enable the pine planting programme to be continued at the level of recent years. This allocation will be supplemented with special loans from the Commonwealth under the provisions of the Softwood Forestry Agreement which has recently been extended for a further term until June, 1976.

These funds, together with balances in hand, are to be used to establish a further 6,000 acres of new plantations and to maintain the existing 77,000 acres. The target for new planting is in line with the achievement of the last three years and is aimed at reaching a total of 240,000 acres of plantations by the year 2000.

Fisheries

A sum of $59,000 has been provided for the purchase of a fibre glass patrol vessel for the Fisheries Department to replace the *Lancelin* in the management and conservation of the rock lobster fisheries. Tenders have been called for the new vessel which will be 47 feet long, powered by a 300 h.p. motor and capable of approximately 18 knots.

The *Lancelin* is to be transferred to the Education Department for use as a training vessel by the technical education division.

Government Printing Office

An amount of $85,000 has been included in the Estimates to enable the Government Printing Office to purchase additional equipment which is required for the printing of school books for free issue to primary students.

Fremantle Port Authority

The capital works programme of the Fremantle Port Authority will total $3,065,000 in 1972-73.

This programme is to be financed from a General Loan Fund allocation of $520,000, a semi-governmental borrowing programme of $900,000, and internal funds of $1,645,000.

Works to be carried out this year include—

- Construction of improved road access to berths and cargo stacking areas at Victoria Quay.
- Further work on reconstruction of No. 8 berth at North Quay.
- Construction of a container handling crane.
- Provision of refrigerated storage at No. 10 berth.
- A start on construction of a berth for bulk grain wheat shipments at Kwinana.

In addition, $200,000 has been provided for the purchase of large fork lifts for handling containers and unit loads of cargo.

Metropolitan Transport Trust

In addition to the annual allocation to the Metropolitan Transport Trust for the purchase of buses, funds are to be provided this year for the construction of an off-street bus station in Wellington Street near the corner of William Street.

Buses serving the northern suburbs will collect and discharge passengers under cover at the bus station instead of in Murray and Wellington Streets as at present.

The station will incorporate waiting facilities, including toilets, shops, and kiosks and will eventually integrate with the redevelopment of the railway land in the centre of Perth following the relocation of the Perth Railway Station.

Provision of the bus station is a prerequisite for the introduction of one-way traffic in William Street and Barrack Street.

This year the trust has planned a total capital outlay of $1,901,000 of which $854,000 will be financed from the General Loan Fund. Semi-governmental borrowings will provide $400,000 and the balance of $647,000 will be obtained from the trust's own internal resources.

Midland Junction Abattoir Board

The programme of work to be undertaken by the Midland Junction Abattoir Board during 1972-73 is estimated to cost $2,350,000. It is to be financed from a General Loan Fund allocation of $665,000, loan raisings of $885,000, and domestic funds of $800,000.

The principal item of expenditure will be the provision of an effluent processing plant capable of handling 1,500,000 gallons of water per day.

This plant will overcome the environmental problems caused by the existing system and enable the treated water to be used for washing down in the saleyards and also for the reticulation of ground cover in the board's paddocks. A new pork slaughter floor and pig lairages will be erected.

Further capital expenditure will be incurred on works to ensure that Midland maintains its export license and its position as one of the world's most modern abattoirs. These works will include a general upgrading of the refrigeration system including the replacement of the old brine system of refrigeration in the beef chillers.

Murdoch University

An amount of $289,000 has been provided in the Estimates for the State's share of capital expenditure on the establishment of Murdoch University. This sum will be matched with a similar contribution from the Commonwealth.

While planning is well advanced for the main buildings proposed for the 1973-1975 triennium, there will be little expenditure on construction this year. The funds set aside are mainly for the payment of fees to architects and consultants and for the purchase of land to complete acquisition of the site.

University of Western Australia

Expenditure on capital works in 1971-72 at the University of Western Australia amounted to $3,712,000. Of this sum, $775,000 was provided from the General Loan Fund and the balance was financed from Commonwealth grants, private borrowings, and cash balances.

Extensions to the physics building were completed and substantial progress made on extensions to the Reid Library and the new Medical School.

In the current financial year a sum of $424,000 has been allocated to the university from the General Loan Fund which, with other funds available, will permit a total programme of $4,200,000 for the year. It is expected that work will commence on a new psychology building and further progress made on the Medical School. In addition, work on the Reid Library extensions will be completed and equipment for the new regional computing centre has already been installed.

Western Australian Coastal Shipping Commission

Although no provision has been made in the Estimates for the Western Australian Coastal Shipping Commission it is desirable that reference be made to the capital programme of that body.

The commission is proposing capital expenditure of $5,300,000 in 1972-73 which is to be financed from a Commonwealth grant of $2,500,000 for the purchase of a unit-load ship, $400,000 from private borrowings, and the remainder from balances held by the commission being depreciation funds and the proceeds of sale of vessels.

After extensive investigations the commission has located a further two unit-load ships and has completed negotiations for their purchase. After delivery of the vessels is taken in October, they will be modified to suit the trading requirements of the north-west and to comply with Australian maritime regulations and crew accommodation standards.

These two ships, which are expected to be in service on the Western Australian coast early in 1973, have similar characteristics to the motor vessels *Wambiri* and *Beroona* and will complete the re-equipment of the fleet with four compatible unit-load vessels. They will enable the service to operate an efficient weekly service to north-west ports and to Darwin.

The cost of purchase and modification of each ship is expected to be about $2,500,000, but as the Commonwealth Government has agreed to provide a grant of $2,500,000 for the fourth ship, the commission will only be required to finance the purchase and modification of one of the vessels.

An amount of $270,000 is to be expended on the purchase of 20-ton dry and refrigerated containers to enable a weekly container service to be provided to northern ports.

The introduction of a weekly door-to-door container service to Darwin is expected to generate a demand for additional refrigerated and dry containers and the demand for this type of service is expected to grow quickly at other ports.

West Australian Meat Export Works

Steady progress has been made during the past financial year in the programme of upgrading the West Australian Meat Export Works to the requirements of the Department of Primary Industry. This programme has also increased the capacity of the works to a throughput of 6,000 sheep and lambs per day.

Mechanical ventilation of the slaughtering area has been completed and the mutton chiller block and the office and administration buildings are nearing completion. Funds for completion of these works are being provided in the current year.

The capital works programme of this works will total $1,090,000 in 1972-73, to be financed from a General Loan Fund allocation of $490,000, loan raisings of $400,000, and domestic funds of $200,000.

Work will be continued on the upgrading of the fertiliser and tallow department plant to raise the standard of treatment of inedible offal to the level required by the Department of Primary Industry. The need for this work has been accentuated by the larger throughput of the works.

Hot water and steam recovery plant is being installed to cope with increased slaughtering, upgrading of cooking facilities in the fertiliser and tallow department, and sanitation and hygiene requirements. Waste steam from cookers, which previously escaped into the atmosphere, is now being used as a source of heat for hot water production and, combined with ultimate conversion of boilers to natural gas, will assist in reducing air pollution.

The programme of improvements at the abattoir is to continue in 1972-73 with expansion and upgrading of the effluent and sewerage facilities to reduce pollution of Cockburn Sound and improvements to the meat assembly and packing section to meet modern hygiene standards.

Western Australian Institute of Technology

In 1971-72 advances from the General Loan Fund to the Institute of Technology amounted to $1,519,000. This sum, together with Commonwealth grants and private borrowings, resulted in expenditure of $2,984,000 last year.

Work was completed on the library building, stage I of the commerce and social sciences building, and on the therapies building at Shenton Park. Work was also commenced on the biological sciences building.

In the current financial year, the Institute of Technology will undertake a capital works programme of $4,100,000. This expenditure will be financed by a General Loan Fund allocation of $527,000, Commonwealth grants, private borrowings, and cash balances. The programme provides for completion of the biological sciences building and commencement of stage II of the commerce and social sciences building, stage I of the engineering complex, and the medical technology building.

Grants for Unemployment Relief Works

An amount of $1,000,000 has been allocated from the General Loan Fund for the specific purpose of providing grants to metropolitan local authorities for unemployment relief works to be undertaken during the next six months. The funds have already been allocated and in many cases work has commenced.

The scheme was introduced by the State Government after repeated requests to the Commonwealth Government to extend unemployment relief grants to metropolitan areas had met with no response.

The Commonwealth will provide $2,700,000 to finance unemployment relief works in nonmetropolitan areas during the six months to the 31st December this year and this assistance is welcomed and acknowledged.

However, three-quarters of the State's unemployed are in the metropolitan area and the Commonwealth Government's refusal to acknowledge the need is, to say the least, puzzling.

The State's capital works programme has been structured with an eye to providing as much stimulus as possible to employment in the metropolitan area, at the same time recognising that public works projects throughout the State can provide work for metropolitan firms.

Nevertheless, the Government considered that there were advantages in providing funds to metropolitan local authorities to enable a wide spread of labour-intensive work to be undertaken in every part of the metropolitan area.

Grants have been made available on similar conditions to the nonmetropolitan scheme; namely, that at least two-thirds of the funds must be spent on wages and persons employed must be drawn from those registered for employment with the Commonwealth Employment Service.

Conclusion

I now turn to the main purpose of the Bill which is to appropriate from the General Loan Fund, the sums required to carry out the capital works detailed in the Estimates.

The measure also makes provision for the grant of supply to complete requirements for this year.

Supply of $30,000,000 has already been granted under the Supply Act, 1972, and further supply of $68,410,000 has been allowed for in the Bill now under consideration.

This total of $98,410,000 is to be appropriated for the purposes and services expressed in a schedule to the Bill.

As well as authorising the provision of funds for the current year, the measure seeks ratification of amounts spent during 1971-72 in excess of the Estimates for that year. Details of these excesses are given in the relevant schedule to the Bill.

I commend the Bill to members and in so doing, table the Estimates for 1972-73.

The General Loan Fund Estimates, 1972-73 were tabled.

Debate adjourned, on motion by Sir Charles Court (Leader of the Opposition).

Message: Appropriations

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

MARRIED PERSONS AND CHILDREN (SUMMARY RELIEF) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th May.

MR. MENSAROS (Floreat) [5.25 p.m.]: This Bill, I think, is basically social legislation but, of course, at the same time it is a very important and complicated legal framework cutting, if not always at least often, entirely new ground. I said it is social legislation because it involves mainly separated couples, deserted wives and children, and deserters themselves. I do not think we are so much concerned with those who separate and obey the law by fulfilling their obligations. We are more concerned with those who desert their wives and children.

From this social ethical point of view one is not sure whether the Bill is designed to protect the deserters or whether it is intended to a certain extent to protect the deserted wives and children, because the measure contains provisions which are working one way and provisions which are working the other way. In fact, one cannot be sure on which side society finds itself.

To my mind the social trend in this regard is not quite logical. We hear so much about equal pay for women and we hear much about more rights for women. We hear perhaps too much about women's liberation and I must admit that no matter how much I hear about it I cannot follow the contention of those behind that slogan.

At the same time all these endeavours do not seem to advocate less responsibility for men as the head of the family, a responsibility which I think rightly belongs to them, for the maintenance of the children, because even in this field we can find indications that even wrongful behaviour of the wife does not abolish the concept that man is generally responsible.

If this is so the question arises whether society, indeed, wishes to maintain the family unit as we have known it to exist since the beginning of the civilised world. If a husband is to provide for a woman and children, and for a family unit, he should be enabled to earn sufficient money to do so. The woman can then stay home and be a mother and look after the family. Or is it the wish of society that the mother should work, either because she wishes to, or because she is forced to do so—which is worse—because of economic reasons? In that case the children would have to be looked after by others rather than by the family itself.

I suggest that society will have to make up its mind about what it intends to advocate. I am afraid that if we are to give less support to the family as a whole—if we give less support to the man and more economic support to the woman—we will not advocate a family unit as we know it. If, on the other hand, we try to recognise a married woman's proper right—that of looking after her children and the family—we have to enable the family unit to be supported economically by the husband.

I know where I stand on this question, but I am not too sure that society—and even this legislation—knows where it stands. I have said that the provisions of this Bill affect the situation in both directions. For instance, the registration of deeds and agreements; the provision of interim orders; the rules of court for the disclosure of assets; power to deal with maintenance offences; the provisions of clause 6—new subsection (3b) of section 11, "not to refuse maintenance orders on the grounds of wrongful conduct if the party which conducted itself wrongfully cannot provide"—the provision which, perhaps, is quite laudable of payments directly to the court; and the further provision for plural births with illegitimates, all seem generally to protect the woman and the children, and thus the family.

On the other hand, new rules reinforcing warrants seem to work the other way and rather protect the person who is the deserter and who leaves his family. Clause 20 of the Bill will substitute a new section 28, and proposed new subsection (3), paragraphs (a) and (c) will provide that no previous obligation be touched by order. Although that might appear to be sound, it protects the person liable and not his family.

I suggest the biggest problem lies with irresponsible men who desert their families, and more often than not disappear. Many deserted wives approach their members of Parliament in an endeavour to get some sort of help. We all know that this problem is not only theoretical; most of us have probably heard of many instances.

If we are to protect the family—and we have to keep in mind that we cannot replace the environment which it lost because of the desertion of the husband, and we cannot make good the psychological damage—we could possibly give some material protection. As a consequence of having given this matter much thought over a long period I would suggest something which might be considered to be revolutionary. Even if my suggestion is not considered I would like to place it on record.

What I suggest is simply to garnishee wages. I realise there would be a considerable amount of legal objection to this suggestion, as there always has been. I know there would be a lot of objection from the unions representing the employees because wages have always been regarded as sacrosanct. However, I consider this method—in one form or another—to be very good, and it is working satisfactorily in many countries. I cannot see reason for very much objection to it.

Every employee would have to furnish a certificate, as he must to the Commonwealth Taxation Department when he states how many dependants he has. If an employee were under an obligation to furnish a certificate truthfully—it could have the effect of a statutory declaration so that he would perjure himself by not stating or ommitting to state the truth—he would have to state whether he was under any obligation for maintenance. If he were under such obligation he would have to state where it lay. Of course, it might even lie interstate.

If we were to adopt such a procedure we would achieve a simple form of protection, and a simple form of knowing where people were. Many people simply disappear. Some of them assume a different name, but others retain their names and move to another State where they cannot be apprehended.

Mr. Hartrey: They cannot be garnisheed either.

Mr. MENSAROS: The cost of finding a deserting husband could be too high. However, if my suggestion were adopted, employers would simply deduct maintenance—and possibly some small cost—from the wages of employees. The cost would still be less than that involved by a complainant if she had to go after her money. If such an agreement were reached between the States it might not work 100 per cent. satisfactorily, but it would definitely work much better than the provisions which exist today.

Having said that I would like to dwell on at least two rather important legal aspects of this Bill. An inherent fault of this measure as the Attorney-General admitted, is that it is a mending piece of legislation. It is something piecemeal and does not tackle the total concept. The Bill deals, in part, with some of the problems of this jurisdiction but it seems to be justified to call for an entirely new Bill instead of an amendment. I am not saying that all the provisions of this measure are bad; it has some very good features. However, in my humble opinion, some provisions should be objected to.

Mr. T. D. Evans: You will recall I mentioned when I introduced the Bill that this was only seeking to deal with certain problems which have been highlighted. In the life of the Commonwealth inquiry we would be guided by that inquiry as to the introduction of possible new legislation.

Mr. MENSAROS: That is exactly my point; but to take up my argument: although there are some good features in the Bill and some which are, in my humble opinion, highly objectionable, the fact still remains—and the Attorney-General reaffirmed this—that it is a piecemeal temporary measure. Considering the subject matter of the Bill it would be more desirable and, I think, more practical if we were able to deal with a full, comprehensive, new set of rules for the Summary Relief Court with the material and procedural laws in relation to married persons and the custody of children. This should be in conjunction with the divorce laws. Piecemeal as I claim the legislation to be, it also often contradicts the existing divorce laws and thereby will create a host of future problems of interpretation.

The Attorney-General has said—and, if I understand him correctly, in an approving manner—that new uniform divorce laws are to be expected partly as a result of the Senate Committee's investigations and findings. How can we expect that the Act, as sought to be amended by this Bill, would be complementary to the new divorce laws when, as I have said, it is not even complementary to the existing divorce laws. I will possibly go into this in the Committee stage.

Another legal objection which I think can be justly raised against the Bill is that it gives too much discretion to courts and to Summary Relief Courts at that. This is a very far-reaching and difficult problem which should not be easily dismissed or overlooked. It begs an answer to the important question: How general, or how specific, how flexible, or how rigid should the rule of law be? Extremes in any of these directions have inherent dangers. A general, flexible law can achieve near-perfect justice if it is interpreted fairly and equitably. At the same time it can fail miserably and be abused because of the very human element which must interpret it.

On the other hand a too specific and rigid law, quite apart from its necessarily tremendous length and volume, would never cater for all the cases which could come up within the framework of the law, not even if we were to use all the computers in the world to draft that law. Nevertheless, experience and history have shown the resulting dangers in giving discretional powers to the court which are too wide.

Mr. Hartrey: Discretionary powers have to be exercised judicially and they are subject to appeal to a higher tribunal.

Mr. MENSAROS: Quite so. My argument is that laws which give too much discretion or which are too strict are not perfect.

I come now to the argument that if we give such wide powers of discretion of interpretation, as are contained in this Bill, to the courts, this may be even more dangerous.

Mr. T. D. Evans: What the member for Boulder-Dundas is saying is that it is judicial discretion and not license.

Mr. MENSAROS: It is, in certain cases. However, if we compare the present jurisdiction of that court and, in many cases, if we compare the present jurisdiction even of the Supreme Court, this gives more discretion to the Summary Court.

Mr. Hartrey: Which clauses are you referring to?

Mr. MENSAROS: I am not prepared to go into the clauses at the moment. I would rather leave this to the Committee stage. There are very many clauses and I will make my comments in Committee. It would be almost impossible to deal with them now and, as common courtesy to the Attorney-General, instead of going through the clauses now and asking him to reply, I shall leave it to the Committee stage. The Minister can then give his views clause by clause.

Generally, this is my contention. Perhaps the most convincing argument for coming to the conclusion that too much discretionary power is not good is that it is at least as important that justice should appear to be done as it is that justice should be done.

Mr. Hartrey: I cannot subscribe to that.

Mr. MENSAROS: With a very wide scope for interpretation, by comparing various decisions of the court—and one can never compare all the circumstances on which these decisions are based—justice would hardly ever appear to be done. The Bill will widely extend the powers of the court, but I am told by legal friends of mine that magistrates are only too quick to point out to counsel, when practicalities and the like come into proceedings, that the court is only one of summary jurisdiction. Despite that, the magistrates would receive powers affecting, amongst other things, proprietary rights—all to be dealt with in a summary fashion.

Mr. Hartrey: A court of summary jurisdiction does not have power to dispense with the law.

Mr. MENSAROS: I am told by legal practitioners—and the Attorney-General will be able to check whether this is right—that many of the magistrates in the courts have no legal training. I understand that some senior magistrates come under this category.

Mr. T. D. Evans: That is hardly a fair statement to make.

Mr. MENSAROS: I said that I had been told this. The Attorney-General will be able to check on it.

Mr. T. D. Evans: Your informant should have a look at the Stipendiary Magistrates Act and read its provisions.

Mr. MENSAROS: I know the Act, but I think that magistrates are still in office even though they have no legal training.

In any event, what I am saying is that the Supreme Court, in its jurisdiction, often has less powers than the Bill aims to give summary courts.

The SPEAKER: Order! There is too much audible conversation.

Mr. MENSAROS: Furthermore, the divorce courts have set down some clearly understood principles for maintenance and this Bill seeks to give the Summary Relief Court powers to go beyond these principles. The powers of summonses and of examining people are extremely wide in this Bill and contrary to the so far accepted principle of justice.

I could be wrong, but I understand the Law Society has expressed dissatisfaction with the general conduct of the Summary Relief Court. The courts materially affect the livelihood of many people and, more so, the livelihood of people on lower incomes because divorce proceedings are, as we all know, fairly expensive.

In many respects—but not in all—the Bill seems to be designed to suit the court rather than the litigant.

Mr. T. D. Evans: To suit the court rather than whom?

Mr. MENSAROS: I understand it has become an unfortunate practice within the court in recent years to look after its own interests.

The mere fact that magistrates will not accept consent orders for maintenance in most divorce proceedings, as the Supreme Court will do, illustrates the Summary Relief Court's reluctance to look after persons who are litigants.

One inconsistency in this line is the fact that the power to deal with breaches of bond is taken away from the Court of Petty Sessions, while at the same time the collection of maintenance and debts is handed over to the Local Court.

In brief, except perhaps for the provisions regarding maintenance agreements, it would be more desirable to produce new legislation tackling the whole question than to provide something which is only a temporary measure.

However, the Opposition is not prepared to object to this Bill and, as I mentioned a few minutes ago, if the Attorney-General goes ahead with it I propose in the Committee stage to deal with the individual clauses one by one because there are so many of them and I have so many remarks to make about them. The Attorney-General will then have the opportunity to reply to what I have said. I support the second reading.

Debate adjourned, on motion by Mr. Harman.

House adjourned at 5.52 p.m.