Legislative Council

Tuesday, the 14th April, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (11) ON NOTICE

1. DAIRYING

Production

The Hon. N. McNEILL, to the Minister for Mines:

(1) For the years—
   (a) 1967-68; and
   (b) 1968-69,
   what was the total quantity of:—
   Butter
   Manufacturing milk
   Whole milk
   Manufactured milk products other than butter,
   (i) produced in W.A.;
   (ii) imported into W.A.;
   (iii) exported from W.A.?

(2) What was the value of all imported dairy products in each of the years—
   (a) 1967-68; and
   (b) 1968-69?

(3) What was the total contribution by W.A. to the Commonwealth Equalisation Fund in each of the years—
   (a) 1967-68; and
   (b) 1968-69?

(4) What is the current rate of contribution to Equalisation at present ruling prices?

The Hon. A. F. GRIFFITH replied:

(1) (i) Production in W.A.—

		1967–68	1968–69
Butter	lbs.	13,248,119	13,937,093
Manufacturing Milk	gal.	32,134,502	33,647,790
Whole Milk, Total Used	gal.	22,741,600	24,203,000
(a) Sales of Milk and Cream through Milk Board	gal.	[illegible]	21,799,043
(b) Other, including on farms	gal.	2,295,000	2,404,000
Milk Used for Manufacturing other than for Butter	gal.	[illegible]	4,728,232
Manufactured Milk Products other than butter:			
Cheese	lbs.	4,326,136	4,474,436
Condensed Milk	lbs.	86,831	97,188
Full Cream Powder	lbs.	36,300	44,600
Skim Milk Concentrate	lbs.	3,608,437	3,918,831
Skim Milk Powder	lbs.	3,288,334	4,514,234
Butter Milk Powder	lbs.	1,763,000	1,428,481
Casein Powder	lbs.	128,968	360,936
G.M.S. Powder for bread	lbs.	[illegible]	419,180
Ice Cream	gal.	2,819,000	3,118,000

(ii) Imported into W.A.

Butter	lbs.	6,934,384	7,084,347
Milk and Cream—			
Evaporated or condensed milk	lbs.	[illegible]	5,075,340
Dried Milk	lbs.	3,883,919	4,205,111
Cream and Fresh Milk	lbs.	764,340	1,000,518
Infant and Dietetic Preparation of Milk	lbs.	763,459	761,708
Cheese	lbs.	4,[illegible]	4,227,444

(iii) Exported from W.A.—

Overseas			
Butter	lbs.	60,000	11,000
Milk and Cream	lbs.	314,000	67,000
Cheese	lbs.	865,000	1,005,760
Interstate			
Butter, mainly Northern Territory	lbs.	441,678	498,604
Milk and Cream, Northern Territory	gal.	[illegible]	92,381
Cheese, Northern Territory	lbs.	38,320	34,110

(2) Value of all Imported Dairy Products into W.A.—
   1967-68—$7,650,000.
   1968-69—$7,831,000.

(3) The answer to this question requires qualifying as expenses are paid for the transport, long storage, rental of stores and facilities, insurance, etc. involved in the sale of dairy products on the local market, and these are met from the gross payments to the Equalisation Pool.

	1967-68	1968-69
Butter	$/cwt.	$/cwt.
Reclamation (Gross)	13.62	14.23
Disbursement (for transport, storage insurance costs, etc.)	3.67	4.03
Net payment to Equalisation Pool	$9.95	$10.20
Total contribution by W.A. on net figure	$1,175,880	$1,267,379
Cheese		
Reclamation	6.92	7.22
Disbursement for costs	1.89	1.49
Net payment to Equalisation Pool	$5.03	$5.73
Total contribution by W.A. on net figure	$151,921	*$197,193

* All cheese for 1968-69 is not yet disposed of and final clearing up of this pool would give a further rebate and reduce contribution by the State.

(4) The current rate of contribution to Equalisation at present ruling prices is not finalised as the disbursement rate will be unknown until the season finishes. However, the Interim Reclamation rate or Gross figure comparable to the reclamation figure for butter in Question (3) is $14.976 per cwt. and $8.82 per cwt. for cheese.

2. BOARDS AND TRUSTS

Details of Personnel

The Hon. F. J. S. WISE, to the Minister for Mines:

Will the Minister submit to the House in printed form for the purpose of laying on the Table an

up-to-date list of the personnel of all Commissions, Trusts and Boards operating under State Statutes, together with the remuneration paid to each person along the lines of the information supplied in September, 1967?

The Hon. A. F. GRIFFITH replied:

The information that the honourable member is seeking comprises lists of commissions, trusts, boards, etc. This is in the course of being prepared and I am therefore obliged to ask that the question be postponed until Thursday, the 16th April, when it is anticipated the answer will be available.

The question was postponed until Thursday, the 16th April, 1970.

3. RAILWAYS

Flooding in Yalgoo District

The Hon. G. E. D. BRAND, to the Minister for Mines:

Further to the answer to my question of the 7th April, 1970, concerning the Yalgoo Railway Embankment, is the Minister aware that the Shire is very worried by the present situation which adds to flooding of the town and district after heavy rain?

The Hon. A. F. GRIFFITH replied:

Yes. Flooding in this area is a problem of long standing. The matter has recently been again represented to the Department by the Member for Murchison-Eyre on behalf of the Shire of Yalgoo, and is being further investigated at the present time.

4. EDUCATION

Delay in Replies to Correspondence

The Hon. R. H. C. STUBBS, to the Minister for Mines:

(1) When does the Minister for Education intend replying to my telegram to him dated the 1st April, 1970?

(2) When can I expect from the Minister for Education, a reply to my letter dated the 25th September, 1969, relating to living away from home and boarding allowances?

The Hon. A. F. GRIFFITH replied:

(1) A reply was withheld until arrangements had been completed to increase accommodation.

The Public Works Department has been given instructions to transfer a demountable room and the builder has been given permission to work seven days per week on the new West Kambalda school.

(2) Failure to reply to the letter is regretted but boarding allowances were increased from the 1st January, 1970, and an announcement was made in the Press to this effect on the 21st January, 1970.

5. MINING

Export of Silica Sand

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

(1) Is silica sand exported from W.A.?

(2) If so, will the Minister advise for the year ended the 30th June, 1969, and for the nine months ended the 31st March, 1970—

(a) What was the total tonnage exported;

(b) which companies were involved with the export of this material?

(c) what tonnage did each Company export?

(3) What is the current price received for this exported silica sand?

(4) (a) Does the State receive any Royalty; and

(b) if so, what is it?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) (a) For the year ended the 30th June, 1969, 10,560 tons.

For the 9 months ended the 31st March, 1970, 6,078 tons.

(b) Ready Mix Concrete (W.A.) Pty. Ltd. and Silicon Quarries Pty. Ltd.

(c) Ready Mix Concrete (W.A.) Pty. Ltd. 15,638 tons. Silicon Quarries Pty. Ltd. to the 28th February, 1,000 tons.

(3) In view of the competition for sales of silica sand, prices are kept confidential.

(4) (a) Yes.

(b) 5 cents per ton.

6. LOCAL GOVERNMENT

Shortage of Health Inspectors

The Hon. J. J. GARRIGAN, to the Minister for Local Government:

(1) Is it a fact that there is an acute shortage of Health Inspectors in local authorities in this State?

(2) If so,

(a) is there any specific reason;

(b) what is being done to overcome this serious situation?

The Hon. L. A. LOGAN replied:

(1) Several local authorities are having difficulty in obtaining inspectors.

(2) (a) shortage of qualified persons.
(b) the number under training has been greatly increased.

7. EDUCATION

Kojonup Junior High School

The Hon. J. DOLAN, to the Minister for Mines:

With reference to the reply to part (2) of my question on the 8th April, 1970, I now ask—

(a) Were representations made to the Minister for Education for the establishment of a new School Bus Service for the purpose of providing a connection to the Kojonup Junior High School, for the post primary children in the Jingalup area;

(b) what decision was arrived at by the Minister;

(c) was the position of children from this area who attend an efficient private school in Kojonup taken into consideration before the decision was reached;

(d) if the answer to (c) is "No" why not?

The Hon. A. F. GRIFFITH replied:

(a) Yes.

(b) A subsidised feeder service for the post primary children was approved.

(c) Yes.

(d) See answer to (c).

8. SHIPPING

Containerised Transport

The Hon. F. R. WHITE, (for the Hon. E. C. House), to the Minister for Justice:

(1) Has the Minister read a full page advertisement in "The West Australian" of Saturday, 21st March, 1970, inserted by Overseas Containers Australia Pty. Ltd. wherein it was claimed that—

(a) the container through-transport system is making Australia internationally more and more competitive; and

(b) it is boosting the Australian economy?

(2) Does the Minister know that many experts are of the opinion that experience shows results are contrary to these claims?

(3) Does not such advertising come within the Trade Descriptions and False Advertisements Act, 1936?

(4) If so, will the Minister have the matter investigated?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) Yes.

(3) and (4) Section 8 of the Trade Descriptions and False Advertisements Act deals with false advertisements. A breach of this section is not apparent from the information submitted.

9. STATE ELECTRICITY COMMISSION

Revenue from Sale of Household Appliances

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

For each of the twelve months ended the 30th June, 1965, 1966, 1967, 1968, and 1969, what was the total receipts of the State Electricity Commission from the sale of each of the following:

(a) electric stoves;

(b) gas stoves;

(c) electric room heaters;

(d) gas room heaters; and

(e) other gas or electrically operated appliances?

The Hon. A. F. GRIFFITH replied:

(a) Nil.

(b) 1965—$1,044.25.
1966—nil.
1967—$47.75.
1968—$335.48.
1969—$221.29.

(c) Nil.

(d) 1965—Nil.
1966—$59.00.
1967—$66.50.
1968—$129.00.
1969—$126.00.

(e) 1965—$1,422.87.
1966—$813.45.
1967—$418.40.
1968—$337.38.
1969—$656.57.

10. MILK BOARD

Price of Milk in Country Centres

The Hon. J. HEITMAN, to the Minister for Mines:

(1) Is there a standard price for milk in country towns for—

(a) 1 pint bottles;

(b) 1 pint cartons; and

(c) bulk milk?

(2) If so, what are the prices for each of the above at Morawa, Perenjori, Mullewa, Northampton, Geraldton, Mingenew, Dongara, Three Springs, Carnamah and Moora?

(3) Is bulk milk supplied to each of the above towns, if not, why?

The HON. A. F. GRIFFITH replied:

(1) Yes.

(2) Maximum price to be charged Consumers:

Town: Morawa, Perenjori, Mullewa, Mingenew, Three Springs, Carnamah and Moora: One pint bottles, 13 cents; One pint cartons, 13 cents; One pint cartons, 15 cents; Bulk per pint, 11 cents.

Town: Geraldton and Dongara: One pint bottles, 13 cents; One pint cartons, 14 cents; Bulk per pint, 11 cents.

Northampton: One pint bottles, 14 cents; One pint cartons, 16 cents; Bulk per pint, 11 cents.

(3) In all the above centres milk supplied to householders is required to be pasteurised and in sealed containers.

Bulk pasteurised milk is available for supply to other than householders for example, milk bars, hotels and institutions.

11. MILK BOARD

Deliveries to Noalimba Migrant Centre

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

(1) When was the Milk Board first made aware of the fact that Sunny West Co-operative Dairies Ltd. were illegally delivering milk to Noalimba?

(2) When did the Milk Board write to Sunny West Co-operative Dairies Ltd. with regard to this infringement of the Milk Act?

(3) Has any explanation been given by Sunny West Co-operative Dairies Ltd.?

(4) Has any other similar breach of the Milk Act been brought to the attention of the Milk Board during the past two years?

(5) If so, what action has been taken by the Board in each case?

The Hon. A. F. GRIFFITH replied:

(1) Following publication in the *Government Gazette* of the 20th February, 1970 confirming acceptance by the State Tender Board of the tender by Sunny West Co-operative Dairies Ltd. for the supply of milk to Noalimba Reception Centre for the period the 28th February, 1970 to the 19th March, 1970.

(2) The 25th February, 1970.

(3) The Company claims it is lawfully supplying Noalimba Reception Centre which is replacing the institution previously supplied by them for several years, viz. Point Walter.

(4) Yes, one similar instance concerning the supply of milk under Government Contract to Mt. Henry Hospital.

(5) The matter was taken up by the Board with the Company concerned who subsequently arranged release from the contract with the State Tender Board.

ELECTORAL ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.47 p.m.]: I move—

That the Bill be now read a second time.

This Bill amends the Electoral Act in several respects. The first amendment about which I shall speak arises from computerisation of the electoral roll.

An updated computer print of the roll will be produced at intervals of approximately six months or when required. As only three copies of the computer print are supplied by the computer authority, an amendment to the Act will permit of this print as issued to a registrar not being construed as a printed roll, and consequently not available for purchase in that form. Rolls will be printed by the Government Printer in such, at times to be decided upon, and these will be available for sale.

There is also an amendment to bring the maximum penalties for non-enrolment into line with those which may be inflicted under the Commonwealth Electoral Act.

Another amendment will remove legal doubt as to whether existing provisions in the Act concerning alterations made to the electoral roll consequent upon the renaming or renumbering of houses in any street as carried out by a municipality, are satisfactory.

There is a requirement in the Act that the Clerk of Writs shall cause notice of his intention to issue the writ to be sent by telegraph to each registrar. Several registrars are located in the Electoral Department in Perth and as a consequence it is unnecessary to advise them by telegraph of the issue of a writ. Under the proposed amendment, registrars will be advised forthwith in writing of that fact.

As affecting nominations, the section that provides that nominations may be [illegible] to be revealed and some requirements for nomination amended. The amendments sought are aimed at removing uncertainty in regard to what is meant by the passage and the contents

are communicated by telegraph appearing in section 80 or by the word notice referred to in section 81. A doubt based been accentuated by the present practice of telephoning the contents of telegrams to addressees. It is considered that a returning officer should not be under any uncertainty as to whether or not he should accept telephonic advice regarding a telegraphed nomination or notice of lodgment of deposit. With present-day mail services, the provision for a nomination to be telegraphed is now considered unnecessary. Neither it nor the provision for a deposit to be lodged other than with the returning officer appears in the electoral legislation of other States nor in the Commonwealth Electoral Act.

It is proposed to amend section 66 to provide that the order of the names of the candidates as they shall be placed on the ballot papers shall be determined by ballot. The ballot is to be carried out by the returning officer at the place of nomination immediately after the close of nominations.

The section dealing with voting by post is to be amended. The distance of seven miles stated in the first requirement for eligibility for application for a postal ballot paper is to be reduced to five miles from the nearest polling place. This will bring the distance into conformity with the Electoral Acts of the other States and of the Commonwealth.

A new ground for application similar to that applying to Commonwealth elections is to be inserted and will cover members of religious orders or persons whose religious beliefs preclude them from attending at a polling place or from voting during the hours of polling on polling day, or throughout the greater part of those hours. Further, it is proposed to include as additional issuing officers the assistant clerks of local courts, electoral registrars, and an officer of the Electoral Department, appointed in writing by the Chief Minister, to issue postal ballot papers, but there are few additional officers involved.

It is now proposed to delete the provisions for police officers and town or shire clerks or their assistants to act as issuing officers. Whilst the services of some of these persons have been availed of to a greater degree in by-elections, they received few applications for postal ballot papers in the last two general elections, and it is considered that adequate provisions otherwise exist for the issuing of postal ballot papers by returning officers and clerks of local courts, apart from the Chief Electoral Officer himself and the staff of his department.

You, Mr. President, will appreciate that with all the people who are entitled to issue postal ballot papers, the requirements of the Electoral Office are that they shall all be circulated with the necessary information. Experience has shown that in general elections the use made of the assistance which is available from these officers, but the Electoral Office still has to collect all the information back again once the elections are over. This does not serve a very effective purpose.

The next amendment is complementary to an earlier one and requires that the names of candidates are to be listed on ballot papers in the same order as that determined by the returning officer's ballot.

A further amendment limits the time for the production to a candidate of the rolls used at an election. The limitation is considered necessary as the Act already provides that all books, documents, and papers used for or in connection with any election may, when the election can be no longer questioned, be destroyed by the Chief Electoral Officer or with his approval by any returning officer or registrar. The rolls are included in the material to be destroyed.

The Chief Electoral Officer is required within the prescribed period after the close of each election to send to each elector who fails to vote at an election a notice calling on him to give a valid truthful and sufficient reason why he failed to vote. It is now proposed to include a provision enabling the Chief Electoral Officer to refrain from sending such a notice where he is satisfied that the elector is dead, was outside the State on polling day, was ineligible to vote at the election, or had a valid and sufficient reason for failing to vote, as these aspects are not currently covered by the Act. The electoral legislation of most other States and of the Commonwealth includes provisions similar to those proposed in that amendment.

It is intended also to bring the maximum penalties for failure to vote into line with those provided under the Commonwealth Electoral Act.

The Act is also to be amended to forbid the banning of the use during the hours of polling at any election of any loudspeaker, or any other apparatus or device for the broadcasting or dissemination of any matter intended or likely to affect the result of the election. The Broadcasting and Television Act provisions of the Commonwealth prohibit dissemination of propaganda from midnight on the Wednesday preceding polling day. This amendment also includes a provision prohibiting, within those hours, the making of any public demonstration having any reference to the election. Similar provisions appear in the Constitution Acts Amendment Act of Victoria.

Substantially these amendments are intended to improve the smooth running of the Electoral Department in order to give greater facility to the electors. I think it is appropriate that Parliament be asked to consider these amendments and the Bill has placed the amendments before honourable

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

LOCAL GOVERNMENT ACT AMENDMENT BILL, 1970

Second Reading

Debate resumed from the 9th April.

THE HON. R. H. C. STUBBS (South-East) [4.56 p.m.]: I have not had much time to undertake any research into the Bill, therefore my comments will be brief; but I do regret that I have not given the Bill the usual research which I have always endeavoured to give to other Bills. For that reason I shall keep an open mind on the matter. I shall also be very interested to hear what other members have to say. Looking around the Chamber I can count about nine members who have had local government experience.

In introducing the second reading the Minister stated that this Bill was designed to give effect to the amendments to the Local Government Act which were considered desirable. Clause 2 seeks to amend section 41 which prescribes the order of retirement of members of municipal councils. Apparently the phraseology of this section, which lays down the order of retirement, was the subject of a Supreme Court action. I understand that this Bill seeks to rectify the position so as to bring it back to what was originally intended.

The Minister also stated—

> The Supreme Court of Western Australia recently determined the order of retirement of councillors of the Shire of Perth following an election at which all the councillors of the shire were elected, to provide that seven councillors will retire in 1970, and six in 1971.

Subsection (8) of section 41 will give the Minister the power to determine the terms of office of councillors, and he can nominate the terms of office of the councillors who are elected. Previously the Governor had this power, and it also meant that one-third of the councillors retired each year.

Section 533 of the Act deals with valuations that the councils must adopt. A committee was appointed to report on this matter. At a meeting in June, 1967, a committee which comprised representatives of the Taxation, Mines, Crown Law, Lands and Surveys, Industrial Development, and Local Government Departments, was formed to advise as to what should be done about the valuations for the purposes of local government rating of leasehold areas under the Mining Act, and of similar holdings.

The committee made certain recommendations to the Minister, and the Minister has placed the amendments before us on the grounds submitted by the committee. They involve certain things. I can see the logic of this. One of the grounds is that the Collie Shire Council objected to the rental that is applicable to coalmining leases in the Collie district, this being only 5c per acre. This rating has been maintained since 1904, and it certainly has affected the revenue of the local authority. After all, the need for local government to obtain revenue is urgent; they are broadening their commitments from year to year.

Representation from the Chamber of Mines made the point that during the exploration stage no revenue should be received from mining tenements, and they should not be ratable. I can understand that point of view, too. I agree that while development is taking place money is being spent. If the exploration is successful then a township will follow and the shire concerned will recoup its rates. Also, local authorities carry out certain works in the towns for mining companies, and the cost involved is recouped from the mining companies. It is reasonable to expect that the mining companies should not pay twice.

The report of the committee which was appointed to advise contains many similar recommendations. The Amalgamated Prospectors and Leaseholders' Association of W.A. was of the view that where leases were in the development stage the rating of them should be of a nominal amount only until the production stage has been reached. That again, is quite reasonable. If a lease is developed it is in the best interests of the district, and the State in general, and consideration should, therefore, be given to such development.

I do not intend to labour this matter. As I said previously, I have not done any research so I will not try to bluff my way through. Until I hear the views of other speakers I will keep an open mind on the contents of the Bill.

Debate adjourned, on motion by The Hon. J. Heitman.

DISTRICT COURT OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th April.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.2 p.m.]: This Bill could be termed as complementary legislation to the measure passed in 1969 when the District Court of Western Australia Act was placed on the Statute book. That Act was assented to on the 1st April of this year.

Basically, the aim of the Bill is to improve procedures in connection with the augmenting of the original legislation.

It is interesting to note that clause 2 states that the Act, except for paragraph (b) of section 3, shall come into operation on the date the Act receives the Royal Assent. Subclause (2) states that paragraph (b) of section 3 of the Act shall come into operation on a date to be fixed by proclamation. That is an unusual provision to find in proposed legislation. The Minister, when he replies, might comment on the necessity for it.

The rest of the amendments contained in the Bill concern, basically, matters of procedure and will facilitate the operation of the routine work involved. Clause 10 will amend section 50 of the principal Act which deals with the right of recovery or repossession of land, and will increase the amount involved from $1,500 to $3,000. Clause 11 deals with priorities between the three tiers of courts. I refer to the District Court, the Local Court, and the Supreme Court.

The situation regarding the jurors' book, is also outlined in the Bill. Apparently there was a problem associated with this situation with the passing of the new legislation. The present Bill will clarify the situation. Clause 3 of the measure will also provide for the transfer of cases from one court to another. When one compares the wording of the Bill with the remarks made by the Minister when he introduced the second reading, it appears obvious that this provision will facilitate the operations between the different courts. In my view the Bill is part and parcel of the trial legislation which we passed last year.

Clause 6 departs, in principle, from the provisions contained in the other clauses. This clause will make provision for a judge to act as Chairman of the Third Party Claims Tribunal under the Motor Vehicle (Third Party Insurance) Act. As this provision is dealt with almost entirely in the supporting legislation, which is the next item on the notice paper, I would prefer to comment when that Bill comes before us, because I have some criticism to make.

I think the present Bill will achieve what the Minister has suggested, and we can only observe the operative effect when the legislation is administered under the three tier court system.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.7 p.m.]: I thank Mr. Willesee for his support of this Bill. I am content to leave discussion of clause 6 until we have the complementary legislation before us, and argue the clause if occasion arises when we go into Committee.

The point raised by the honourable member, in relation to the commencement of the Act, was well taken. A quick reference to the Bill will show that clause 2, under the side heading of "Commencement" states—

> (1) This Act, except paragraph (b) of section 3, shall come into operation on the date the Act receives the Royal Assent.

If Parliament passes the Bill in the manner in which it is now written, and the Bill comes into operation when it is assented to, then the effective part of the measure will have a corresponding effect on the whole of the District Court Act of Western Australia Act as it now stands.

Section 3 (b) of the Act deals with indictable offences and refers to an indictable offence as one which, after a certain date, becomes triable in the court. We do not necessarily want to bring that paragraph of section 3 into the Act before it is proclaimed. Therefore, we have to separate it from the existing principal Act, otherwise it would come into effect on the date of assent.

It is proposed to give the Supreme Court some relief by remitting certain cases to the District Court. As I said previously, this will facilitate the work and relieve the Supreme Court, which has become overloaded. With the appointment of judges to the District Court this relief will take place. The provision referred to is purely a machinery matter for the purpose of dealing with the legislation when the Bill which is now before us becomes part of the Act.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th April.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.13 p.m.]: This Bill is complementary to the previous measure in that it makes arrangements for the appointment of any District Court judge to exercise the powers and functions of the Chairman of the Third Party Claims Tribunal.

The reason given by the Minister for this action was that the chairman of the tribunal had drawn attention to the increasing demand on his services. The passing of this legislation will relieve the chairman of some of that work.

clause 3 of the Bill will amend subsection (1) of section 3 of the principal Act by adding after the definition "Prescribed date," a definition as follows:—

> "the Chairman" in relation to the Tribunal means the person appointed to the office of Chairman of the Tribunal and includes a District Court Judge appointed pursuant to the District Court of Western Australia Act, 1969, acting as the Chairman of the Tribunal pursuant to this Act and a person appointed under subsection (14) of section 16 of this Act, to act as such Chairman;

My disagreement is with the title of "chairman" at Section 3K of the Motor Vehicle (Third Party Insurance) Act reads as follows:—

> The Trust may appoint and employ and pay out of the Fund a manager and such officers, inspectors, assessors, clerks,

and so it goes on.

It refers to the appointment of a manager but under this legislation it is proposed, in essence, to appoint several managers. There will be the manager of the trust and there will be a District Court judge sitting as a chairman. This does not seem right to me—deputy chairman, yes, but chairman, no. That would be my interpretation of the provisions in the Motor Vehicle (Third Party Insurance) Act.

In my view the appointment of judges to the position to which I have referred is in conflict with section 3K, which is an overriding section. The judges will be appointed to assist because of the large volume of work and I understand that they will be able to give decisions in their own right and with a power possibly equal to that of the chairman. However, I cannot see that we can have the chairman sitting in chambers and another chairman sitting as the chairman of the trust, and both operating at the same time. This is the difficulty that I see with this Bill. Its proposals clash with the appointment of a person as manager of the trust.

The other point I would raise in connection with the legislation is that when it was before us recently, and the appointment of the present manager was made, the Minister used as the theme for his argument the fact that the provision would provide for uniformity in cases where damages were involved. He said that with the appointment of a legal man not only would there be uniformity but there would also be consistency in the judgments given on the various types of accidents that came before the trust. I thought that was the idea of the appointment—to overcome the anomalies and the very sharp differences in awards given on the various similar types of accidents. Therefore, in my view, there is a possibility that if we widen the scope and allow for more appointments of people who can give decisions at the management level we will destroy the concept of uniformity.

There is one further point. I was not quite clear about the concluding remarks of the Minister when he referred to the fact that control of portion of the legislation was moving from the office of Local Government to that of Justice. Does this mean that the Motor Vehicle (Third Party Insurance) Act will in the future, be administered by the Minister for Justice and not by the Minister for Local Government? Or does it mean that one section will come under the control of the Minister for Justice and be taken away from the control of the Minister for Local Government? I would be interested to hear the Minister's reply on these points. I do not think there would be very much at stake in the day to day running of the legislation if the amendments were agreed to.

THE HON. F. R. H. LAVERY: (South Metropolitan) [5.19 p.m.]: There is just one question I would like to ask the Minister: Will the appointment of judges of the District Court mean a reduction in the backlog of claims which are before the trust and not yet finalised?

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.20 p.m.]: I would like members to realise that the Motor Vehicle (Third Party Insurance) Act has two principal parts as a result of amendments that were made in 1967. Prior to 1967 the jurisdiction in regard to running-down cases was held in the Supreme Court—that is, cases taken as a result of accidents, and involving the Motor Vehicle Insurance Trust, were heard by Supreme Court judges. The Minister for Local Government administers the Motor Vehicle (Third Party Insurance) Act and will continue to do so. I shall not have any control over it, nor was it intended that I should.

When the 1967 amendments were introduced my colleague sought the approval of Parliament for the appointment of a tribunal, and the tribunal was to take the place of the court. In fact, the tribunal was constituted as a court with the power to take evidence, to adduce evidence on oath, and to have all the other powers of a court. Members will recall that the qualifications of the chairman of the tribunal were that he should be a judge, or a lawyer of seven years' standing. The legislation of 1967 also proposed the appointment of two lay persons to sit with the chairman of the tribunal for the purpose of assisting him to adjudicate on matters that came before the tribunal. However, they had no jurisdiction on matters of law and the matters on which they did have jurisdiction were set down in the legislation.

Experience has shown that the tribunal, with the two lay persons sitting with a qualified lawyer, has worked reasonably well. Mr. Logan would probably say that the tribunal has worked very well; and I would not disagree with that statement. However, as with all these things, we have found some disabilities, the principal one being that the chairman of the tribunal—Mr. S. H. Good, Q.C.—had no way of getting any relief. He could not pass over any of his work to somebody else; if he had been hearing a case and became sick, or if he became sick when a case was due to be taken before him there was a difficulty in getting somebody to take over. It is to obviate these difficulties that the legislation has been introduced.

As regards the question of delay, I do not think there is any substantial backlog in the way of cases. From what we hear of the position in other parts of the Commonwealth, I would say there is no backlog at all. There is always a listing of cases, but when the stage is reached as is the position in some of the other States of Australia, where people are waiting for three years to get a case heard, it could be said that there is a substantial backlog. However, that is not the position here, either in the case of this tribunal, or in the case of the Supreme Court. The previous Chief Justice (Sir Albert Wolff) was very zealous in this regard and the present Chief Justice is equally zealous in that he does not allow delays to occur in any of our courts.

In the appointment of Chairman of District Court Judges we sought a person who would have a good knowledge of what was required and the obvious choice seemed to be the man who had helped me frame the district court legislation. He had been Solicitor-General for some time and at the time the District Court of Western Australia Act was being framed he was the chairman of the Third Party Claims Tribunal. The Government decided that as Mr. Justice Good is no longer to become the Chairman of District Court Judges in addition to being chairman of the tribunal some amendments to the Acts concerned were necessary.

The situation is that the two lay members of the tribunal who still operate and sit with the chairman will be able to continue to do so; the chairman will be able to sit in chambers and consider the legal aspects of a case and, as a result, the proceedings of the tribunal will not be held up.

The Hon. F. J. S. Wise: I think it was the terminology that worried Mr. Willesee.

The Hon. A. F. GRIFFITH: I think Mr. Willesee referred to section 6 of the Act.

The Hon. W. F. Willesee: Clause 6 of the previous Bill, or of this Act.

The Hon. A. F. GRIFFITH: Yes.

The Hon. W. F. Willesee: You have just used the very words that were the basis of my query. You used the words "deputy chairman" and that, I think, is the title that should be used for the title of "chairman".

The Hon. A. F. GRIFFITH: They will hold the title of deputy chairmen.

The Hon. W. F. Willesee: I do not think the Bill says that.

The Hon. A. F. GRIFFITH: Clause 3 of the Bill says—

Any District Court Judge may at the request of the Chairman and with the consent of the Chairman of Judges—

The first reference to chairman is to the Chairman of the Third Party Claims Tribunal and the second reference is to the Chairman of District Court Judges. To continue—

under the District Court of Western Australia Act, 1969, act in the place of the Chairman, notwithstanding that the first-mentioned Chairman is not absent, and is able to perform the duties of his office of Chairman.

So, for the time being, he will constitute himself as the chairman of the particular tribunal on which he sits, but he will be taking the place of and acting as deputy to the chairman himself. Whether we call him the deputy chairman or the person taking the place of the chairman does not really matter; the important thing is his function.

On the question of the imbalance of judgments, I think this could take place in the event of the change of chairman; but we have to bear in mind that we have had two chairmen already. The first chairman resigned and then Mr. Good was appointed. If he resigns we will need another one, and so that sort of situation could take place and, in fact, has already taken place within the space of two years. I do not regard it as terribly important or difficult to overcome, bearing in mind that awards made by the Third Party Claims Tribunal are subject to appeal to the Supreme Court if either party wishes to make such an appeal.

So the situation mentioned by Mr. Willesee could occur in the ordinary course of events. However, I do not regard that as really important in the scheme of things. One cannot say that any two accidents are the same. Turning to the Traffic Act, one cannot say that two breaches of that Act involving persons travelling at 50 miles per hour down St. George's Terrace are necessarily identical breaches. One of those breaches might occur at 2 o'clock in the morning.

The Hon. F. R. H. Lavery: You would still lose your license.

The Hon. A. F. GRIFFITH: That is the risk a driver takes. The other breach might occur at midday or 1 p.m., when the city is very busy, and anybody who travels down St. George's Terrace at 50 miles per hour in the busy hours of the day is certainly not a good driver.

The Hon. J. Dolan: I doubt whether he would be able to speed down the Terrace at that time.

The Hon. A. F. GRIFFITH: I am making this point to show that no two cases are identical, whether we refer to damages caused as the result of an accident, or a breach of the traffic law. So I am not really concerned about that side of it.

I am pleased that we have a man like Judge Good. He has had long experience as Solicitor-General and has a great knowledge of District Court work, because he was very largely the writer of the legislation I introduced last year. The idea is that Judge Good will still stay with the tribunal after he gets the District Courts in operation. However he must have annual leave and provision has to be made to cover the situation should he become ill. By having other people available neither the work of the tribunal nor the work of the District Courts need be hindered. In addition, the District Court judges—and as members know there are four of them—can substantially assist the work of the Supreme Court, rather than it being necessary to appoint more Supreme Court judges.

Question put and passed.

In Committee, etc.

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

EDUCATION ACT AMENDMENT BILL, 1970

Second Reading

Debate resumed from the 8th April.

THE HON. J. DOLAN (South-East Metropolitan) [5.34 p.m.]: I support the Bill, and I wish to make some comments about various matters which arise as a result of the two clauses contained in it. The first clause provides for the repeal of section 7A of the Education Act, and this section refers to the fact that unless a person is a natural born or a naturalised British subject he cannot become a member of the permanent teaching staff. I understand that also applies to the Civil Service.

So members can see that when we are dealing with the recruitment of teachers, this provision does not affect the teachers we get from Britain, except in the odd case when a stray from some other part of the world is recruited in Britain. However, it will affect those teachers from the United States, African countries, and also some Asian countries who apply for teaching positions in Western Australia.

Members will realise, of course, that one of our biggest problems in education today is the shortage of teachers and we have found it necessary to recruit teachers from overseas, quite apart from doing our best to train as many as possible—and that field is gradually becoming limited. I understand that about 34 per cent. of those young people who pass the Leaving Certificate join the teaching profession; and that is about the limit that one could expect. So it looks as though we have to try to find teachers elsewhere.

Members may recall that during last year the Director-General of Education (Mr. Dettman) went overseas to recruit teachers, and he recruited 19 between the 1st July and the 31st December. Since then a further 21 teachers were recruited in January-February this year, making a total of 40. Since the end of February a further 41 teachers in Britain have made application to come here. The benefit to the Education Department from this recruiting—apart from the fact that additional teachers have been obtained—is that the teachers are fully trained, and this saves the State the expense of training them. The cost of training a teacher is about $5,000, so this represents a saving of about $200,000 for the 40 teachers recruited.

These are the points I would like the Minister to ascertain and mention in his reply: Whilst I have no objection whatever to the recruiting officers being in a position

to be able to offer permanency to these teachers, I want to ensure that the teacher who is trained locally in our teachers' training colleges is not in any way adversely affected. I will explain briefly what I mean by that. Some people seem to think that following the repeal of section 7A the teachers who come here from England will be appointed as permanent teachers. That is not so: They will come here as teachers on probation, with only one difference to our local product; that is, they commence work on permanent rates. It is obligatory upon teachers who are recruited from other countries that they have to serve a period of probation during which the powers that be will keep a close eye on them to see whether they are competent and whether their methods and their approaches fit in to the local pattern. The length of their period of probation will depend upon those factors.

There are some pitfalls in this system, and mistakes can be made. I would say that the Education Department is doing its best to make sure that all these teachers are well vetted; that their qualifications are inquired into; and that their teaching reports are examined very closely before they are brought here. However mistakes can be made, and I will give an example of one which occurred in the metropolitan area. Of course, I do not want to pinpoint the person concerned. The lady teacher in question came here from England and made application for a job in the Education Department. She had a degree, and her main qualifications in that degree were in languages. She seemed an ideal teacher for a school that wanted a language teacher—particularly a teacher for French—so she was appointed to that school.

I happened to call in at the school one day and I asked the principal whether he had any troubles. He said, "Yes, I have one; an Englishwoman who is teaching French." I asked him what the problem was and he told me that she just could not teach French. I said, "There must be some reason." He replied that her qualifications were excellent and that she had a degree. She also had considerable practice in teaching French. However, the principal went on to say that when he made inquiries he found that she obtained her degree 20 years previously and in the past 15 years the method of teaching French had changed almost completely. She had no idea of what was required in modern language teaching by the use of tape recorders and so on. As a consequence she was a square peg in a round hole and the principal was saddled with her.

Of course, considerable difficulty in regard to degrees and that sort of thing might be encountered with some of the teachers who come from America, and they will need to be subjected to careful scrutiny. Many teachers with degrees—and also people in other professions—would come here from America, and a good number of those degrees need careful scrutiny. This difficulty might also occur with the qualifications of teachers coming from Africa and Asia. We used to refer jokingly to a fellow who had an Indian degree; and the definition was that the degree was a B.A.(Failed) or a B.Sc.(Failed); but I do not know whether that will apply in future.

The teachers we recruit are put on permanent rates and then they have to serve a period of probation. This worries me a little as far as our locally-trained teachers are concerned. Some of them have degrees and have spent three years in a teachers' training college. At the end of that period they are appointed to various schools to start their teaching careers. I assume that the three-year period of training is excellent—we can all assume that—that their knowledge is also excellent, and they obtain plenty of experience and practice by going to various schools. However we find that when these teachers are appointed they have to undergo a period of two years' probation.

I want to ensure—and this is one of the points I want the Minister to clear up—that our locally-trained teachers will not be disadvantaged by comparison with those who are recruited from other sources and who may come here and serve a period of probation of only two or three months, or, perhaps, 12 months. However our people, irrespective of their ability, and irrespective of how they fit into the teaching pattern, have to serve a probationary period of two years. Although our local teachers are on the permanent staff, I think they miss out on some of the permanent rates and are not eligible to go on to their certificate, as confirmed, until a period of two years has expired.

These are points I would like the Minister to look into. I understand also that trade instructors have been recruited in England. These men very often serve a period of three years training in a special arts college where they gain experience in manual arts. They were not required to have the equivalent of our Leaving Certificate or Matriculation in order to enter the arts colleges where they were trained.

As a consequence I am led to believe that when they are recruited and come here they find that after giving good service, and although they are fully qualified men, they are not able to proceed to a higher position because they have not got the initial qualification of the Leaving Certificate. I think the position needs to be examined so that these people can be assured that every avenue of promotion will be available to them.

The Hon. R. Thompson: They do not get the same rate of pay, either.

The Hon. J. DOLAN: I understand that is another aspect—that some of them suffer by comparison with other teachers and do not get the same rate of pay.

The second clause in the Bill is to amend section 37AE of the Education Act, and it is proposed to delete paragraph (e) of subsection (3). This relates to something which was a bit of a joke amongst teachers before I left that profession.

Members would laugh if they knew of the scheme under which teachers were once appraised. I would ask members to imagine a piece of paper 6 inches by 4 inches which contained four headings. I knew these headings by heart at one time. The first one dealt with teaching skill, the second with organisation of work, the third with discipline, and the fourth with zeal and industry.

If a teacher was excellent in teaching skill he would get 30 marks. He could get 20 under each of the other headings which would give him the excellent marks of 90. These marks ran down in grades. If I might digress for a moment, I think I pointed out, when we were dealing with the question of grading hotels by giving them a certain number of stars, that there should be a certain basis on which to make the grades.

In the case of teachers, the first grade was excellent; the next grade was very good to excellent; the next was good to very good which was followed by very fair to good, which, in turn, was followed by fair to very fair. Last of all we had the grade fair. If a teacher was a no-hoper he would probably get four fairs. I can recall this happening to a teacher whom I and my colleagues knew to be a complete no-hoper. He was very disappointed at having received the lowest possible grading—he was not at all happy about this. He saw the superintendent and said to him "Listen, sir, why did you give me the lowest possible marks?" to which the superintendent replied, "I gave you that grading because I could not give you anything lower."

Teachers have had to put up with this sort of discrimination for a long time. Very often their promotion has depended upon one mark. For each of the grades a variation of one mark was given. If a teacher got 20 for excellent he would get 19 for very good to excellent, and so on. Before the teacher could obtain his certificate it was necessary for him to have a teaching mark of 75.

I have known teachers get a mark of 74 year after year; perhaps because they did not happen to be in the favour of the superintendent, or possibly for some other reason. Can members imagine anything more calculated to kill the zeal and industry of a teacher and to discourage him from sticking to his profession than his receiving a mark of 74 year after year? There is also the case of the teacher who might receive 80 year after year when he needed 81.

I am sure that quite a number of superintendents had the habit of getting together before going to the school and asking, "What did you give this fellow last time?" to which the reply might be, "I gave him 80." This, of course, would mean that superintendents would approach the problem with preconceived ideas. Eventually, of course, the teacher concerned would become quite discouraged even to the extent of having words with the superintendent. He then might be given a mark of 81—the additional mark being given as a sop. I am pleased to say that I did not have any of this trouble.

The Hon. L. A. Logan: You were somewhere between fair and excellent.

The Hon. J. DOLAN: Yes. I have had the privilege of having at least three excellents out of the four. Nobody, of course, is perfect! I thought I would beat the honourable member opposite to the punch.

The Hon. A. F. Griffith: See you keep up that record in this House.

The Hon. J. DOLAN: If I have not done so I can assure the Minister it has not been for the want of trying. I should hope that I would get excellent for zeal and industry.

The Hon. A. F. Griffith: I often hope for and expect that but I do not get it.

The PRESIDENT: Order!

The Hon. J. DOLAN: Provision is still being made for the teacher to be given an assessment and I would say that an assessment is more realistic and more worth while than was the old teaching mark. I do know that the teachers and the union are happy that the previous provision has been removed. The legislation will now provide that teachers will not be discriminated against, that they will get the equivalent of the mark stated in entirely different terms which will indicate their quality as teachers.

I would ask the Minister to check the point I have raised, because I cannot see why our teachers, who are trained under an excellent system, should have to spend two years on probation. I can appreciate the fact that when they come out they must still fit into the school and into all the activities associated with the school, something which they would not experience while under training. There are innumerable duties that a teacher must learn when he goes to a school. I have known cases of teachers who have been teaching for 30 to 40 years and yet they do not seem to be able to provide returns of attendances.

The Hon. F. J. S. Wise: I have known people in other spheres like that.

The Hon. J. DOLAN: It is necessary for the Education Department to get these returns because very often they help provide answers to questions asked by members as to how many children are attending a certain school during a particular period. I know that in my own case it has been necessary for me to send four or five children, one after the other, to ask a particular teacher to send me his returns of attendances. If I was lucky I probably received these with the fifth child who was sent with the message.

The Hon. L. A. Logan: He must have been on the ball.

The Hon. J. DOLAN: He could have been. While I entirely support the move of the department to recruit not only British teachers but also those from other countries, I would like to make sure that our teachers are not disadvantaged in any respect whatsoever.

The local product is always the best. Such teachers grow up with the system and having attended the schools here they know what is required of them. I support the Bill and wish it a quick passage, but I would like the Minister to reply to the points I have raised.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.52 p.m.]: I support the amendments proposed in the Bill, but in doing so I would like to pass a few comments. I would point out that in seeking teachers in the United Kingdom the Education Department in this State does not have the field to itself, because it seems that West Germany is also recruiting very strongly from British teachers whom they want as language teachers in Germany. Accordingly, if the Education Department is experiencing difficulty, the West German recruitment is probably the cause of it.

Apart from this, there is also the well-known drive by Canada to recruit teachers from overseas, and here again the more attractive salary rates and conditions which teachers enjoy in that country can make the task of our Education Department more difficult.

A recent issue of *The W.A. Teachers Journal* points out that the classes in a school overseas taught by teachers employed from here average around 12 or 13 pupils per teacher compared with the average of 42 in the primary schools here.

The Hon. E. C. House: Does Canada buy them or does she train them?

The Hon. R. F. CLAUGHTON: The Canadian system is able to afford high salaries because it permits other countries to train its teachers. As the Minister said in his second reading speech, it makes some sort of saying. If its drive is successful the State Education Department could also make a saving. In his speech, and with particular reference to recruiting in Western Australia, the Minister said—

> This may be surprising in view of the fact that at the present time approximately 45 per cent. of all students studying in tertiary institutions here are following some course in preparation for teaching.

In February Mr. Trayler of the Education Department made a statement which was disputed by the General Secretary of the Teachers Union who replied by saying that in 1968, 2,164 children gained a full Leaving Certificate and that of these 1,017, or 34 per cent., entered teachers' colleges. This is in marked contrast to the information given us by the Minister and perhaps he could use to explain how the difference arises.

The figures are those for 1968, but it does not seem to be any easier for the Education Department to attract students today as have already mentioned, the Minister himself said this. Another point made in the journal was that among those entering teachers' colleges there was a proportionate decline of male teachers. The figure dropped from 41 per cent. in 1966 to 38 per cent. in 1969. These figures are all reported in the editorial of *The W.A. Teachers' Journal* of March, 1970. The editorial points out that if the department was recruiting at the same rate as it was in 1960, and obtaining the same percentage of Leaving candidates, it would have recruited an extra 400 students in 1969. If this had been the case we certainly would not have needed skilled teachers from overseas.

The question of teachers trained elsewhere is also related to that of assessment. Assessment has been a burning issue with teachers for a good many years. This can be readily appreciated if members would consider that teachers are trained professional people; they enter a classroom where they are totally responsible for all that goes on. To have some person examine teachers in the manner in which inspectors are required to do would lead them to feel they were not regarded as professional people. I am sure nobody would suggest that the same type of inspection be made of doctors, architects, engineers, or any other professional group.

The Hon. Clive Griffiths: What about members of Parliament?

The Hon. R. F. CLAUGHTON: I am sure we would not appreciate that. In the issue of *The W.A. Teachers' Journal* to which I have referred the President of the Teachers Union said—

> I believe that the abolition of assessment has increased our professional status by putting more personal responsibility on us as teachers to see that we maintain our expertise and our services at levels that will win public esteem.

The Government is to be commended for the step it has taken to free teachers from this system. I am not sure where the system originated, but it may have been designed to overcome the earlier concept of payment by results. However, I feel sure it is a system which did not lead to the greatest development of the teachers individually.

The Hon. F. R. H. Lavery: It was a system which kept the teachers' wages down below their capacity.

The Hon. R. F. CLAUGHTON: This may very well be so, but it is a reflection on the attitude of the community; and if the lifting of the assessment is an indication that the community attitude to teachers is changing, this is something about which we can be glad. It is an indication that perhaps the professional standing of teachers is improving and I am sure that this amendment will lead to this because the teachers will feel they have more responsibility and therefore they will better apply themselves to their task and approach it with a greater air of responsibility.

I wish now to deal with the matter of overseas teachers entering our service. For some time there has been agitation for the registration of such teachers and this involves the control of their qualifications. This is an area which has not been explored a great deal on the practical level. Of course, it could be a very contentious step. When any suggestion has been made along these lines about other professional groups in Australia, the subject has become a sort of closed shop, and we certainly would not desire such a situation to arise here because it would not be in the interests of the community. I certainly believe that careful consideration should be given to the training received by those overseas teachers the department employs here, so that we can ensure there will be no downgrading in the education our children receive.

Debate adjourned, on motion by The Hon. J. Heitman.

Sitting suspended from 6.4 to 7.30 p.m.

BILLS (2): RECEIPT AND FIRST READING

1. Taxation (Staff Arrangements) Act Amendment Bill.
2. Acts Amendment (Commissioner of State Taxation) Bill.

Bills received from the Assembly; and, on motions by The Hon. A. F. Griffith (Minister for Mines), read a first time.

STATUTE LAW REVISION BILL

Returned

Bill returned from the Assembly without amendment.

COMPANIES ACT AMENDMENT BILL, 1970

Second Reading

Debate resumed from the 9th April.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [7.34 p.m.]: The Bill proposes two amendments to the Companies Act and, if passed, they will have quite a definite effect upon the parent legislation. The amendments will curtail fund raising for partnerships from the public at large, which apparently has been occurring under the Act, and funds will have to be obtained privately, in accordance with the original intention of a partnership. In the case of companes which come within the orbit of the Companies Act, this will mean a declension from what has previously obtained.

The basis of the Bill is to protect investors to the extent that they shall be given whatever protection is available under the Companies Act on the basis of limited liability compared with the very deep consequences which obtain in the case of partnerships.

I should like to refer to Yorston who quotes the definition of a company as—

> An association of persons formed for the purpose of some business or undertaking, each member having the right of assigning his shares to any other person, subject to the regulations of the company.

He says—

> Companies are limited or unlimited, according as the liability of their shareholders is or is not limited. In the case of a limited company the liability of members is limited to the amount unpaid on the shares they hold, or by the amount they have guaranteed to contribute in the case of a guaranteed company. In the case of an unlimited company each shareholder is liable to contribute to the debts of the company to the full extent of his property.

The basic point I want to have clear in my mind is that, in the case of a limited company, the liability of members is limited to the amount unpaid on the shares they hold. Partnerships are, in fact, recorded by Yorston as—

> The relation which subsists between persons carrying on business in common with a view to profit.

He says—

> Every partner is entitled and bound to take part in the conduct of the business, unless it is otherwise agreed between them. Every partner is liable for the debts of the partnership to the whole extent of his property.

The Bill is certainly worth while if it rectifies any anomaly which could be read into the Companies Act. In the past people may have thought that they had invested in a company when, in effect, they had not. If we can clarify the situation by the amendments and clearly establish without any doubt what is a partnership and what is a company, the Bill is very commendable.

The question of building societies being taken from the control of the Companies Act—by definition, at least—was raised in the House during the last session and possibly the Bill before us is a follow-up of the comments made on that occasion.

The proposed legislation received some publicity in the Press on the weekend. It is clear that the Companies Office will take action whenever something is done contrary to the provisions of the Act. It is also clear that an invitation to the public by way of advertising for partnership funds will be most suspect in the future.

The Minister mentioned that the amendments to the Companies Act will apply only to building societies registered in this State. Personally I do not know whether any building societies which are foreign to this State would be offending in terms of the legislation. However, if this is the case I hope the Minister will find some way in the near future to bring them within the scope of State control, because such companies would be in a very advantageous position if the law could not reach them.

There are no other causes for concern, as far as I can see. I consider the Bill is very important even though the amendments proposed are quite simple. If the legislation were not brought forward, it would not be difficult to see the possible consequences of what might happen if some people were in the unfortunate position, as a result of their investments, of having their personal possessions almost taken from them in an endeavour to honour contracts.

The fact that the amending Bill has been brought forward before something serious has happened in the way of public investment is a good feature. I support the proposals in the measure and I hope they will be effective.

Debate adjourned, on motion by The Hon. I. G. Medcalf.

HEALTH ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th April.

THE HON. R. H. C. STUBBS (South-East) [7.41 p.m.]: The Bill before the House proposes to amend the Health Act. First of all, I must say that I am 100 per cent. in favour of the legislation. I can see that the Minister for Health and I will get along famously this evening.

The Hon. A. F. Griffith: Jolly good.

The Hon. R. H. C. STUBBS: The first portion of the Bill deals with analytical services in connection with shire councils and other local authorities; and the second portion deals with the designation of "health inspector" who will now be called a "health surveyor." Again, I agree wholeheartedly with that amendment.

As the Minister said, the present method of analytical sampling is 30 years old and it certainly has weaknesses. Some shires sample regularly but others do not. It is the same old story which occurs in every walk of life: some people pull their weight and others do not.

Some shires seem to think that food sampling is not necessary if the shire is not large. However, I think it is vital. Health surveyors are the watch-dogs of the community and their job is to make sure that the food which is available to the consumer is in a first-class, wholesome condition. They achieve this by constant inspections and sampling.

Now tourism is so strong in Western Australia people go to many out-of-the-way places and, consequently, small shires are just as important as larger ones. If we want to maintain the tourist trade we must ensure that high standards of food and hygiene are the orders of the day everywhere.

Sampling can be a very costly proposition to a shire. The only way a shire can recoup money for the cost of sampling is through a successful prosecution. The certificate from the analyst is accepted without question as evidence in court, and when the shire surveyor is prosecuting he gets costs for the shire's expenses, plus the cost of the analyst's fee.

The Health Act sets the standard for food for public consumption, and the health inspector's job is to ensure that that standard is maintained. Even natural foods vary in standard. Farming people will know that the Friesian cow yields a great deal of milk but the content of fat and total solids is low. Conversely, the Jersey cow yields less milk but the milk is very rich. The two types of milk mix together very well. The point I am making is that certain minimum standards have to be maintained and for this reason it is necessary that foods should be sampled regularly.

It is also important that the health surveyor, in conjunction with the analyst, should protect the people economically. For instance, if bread has too much moisture one is paying for water; butter should contain 80 per cent. milk fat, but it has happened that too much water and salt have been put into butter. If 400,000 lb. of butter were adulterated with water at the rate of 2 per cent. and with salt at

[illegible] it would return the vendor $3,000 plus for the 800 gallons of water put into it and it would give him $1,500 plus for about $50 or $60 worth of salt. The consumer pays that. These things have happened, although it is not a widespread practice. It would probably happen much more often but for the co-operation between the health surveyor and the analyst.

It is necessary to take samples for economic reasons. Copper salts in peas give them a very attractive colour but they are a health hazard. Many years ago boracic acid was added to butter exported from Australia, supposedly to improve its keeping qualities. England would not accept the butter. There was a hue and cry about it at the time and political strings were pulled, to no avail. However, the practice of adding boracic acid to butter ceased, and butter now keeps as well as it did at any time.

Sausages are supposed to contain 75 per cent. meat, and the meat may contain 30 per cent. fat. It is permissible to add 3.5 grains of sulphur dioxide. Mincemeat is not allowed to contain any preservative, but unscrupulous butchers do add preservative and also farinaceous matter to increase the bulk. One therefore buys bread containing meat at the price of beef. The average health surveyor can detect that. It has beautiful red colour and gives the meat a lot of tone. The danger is that the butcher can sell putrid meat containing preservative, and the public is not getting wholesome food.

I say that the health surveyor and the analyst should be given much more support by law. After all, a person who deliberately adulterates food by adding things to it or taking things from it is robbing the public, and he does it in a calculated way. His offence is worse than that of a person who does a bit of shoplifting on the spur of the moment.

There was a case in Kalgoorlie only about 10 years ago in connection with the sale of vinegar. The company was prosecuted but the fine was not very heavy. As we know, vinegar has to contain 4 per cent. of acetic acid, and good vinegar results from the fermentation method. In this case, 4 per cent. of acetic acid was added to water, and the vinegar did not comply with the regulations. Kangaroo meat can be detected by protein sampling. The analyst can detect almost anything, given sufficient time. It is therefore important that the health surveyor should work in conjunction with the analyst to protect the public. The public has all sorts of things shot at it: preservatives, additives—there are 1,200 known additives—substitutions, deficiencies, impurities, and adulterations. There are cases on record of the addition of bleaching powder to bread to adulterate it and make a bit more money.

I mentioned tourists. In some of the eating places in the outback the floors are beautifully clean, the tablecloths are clean, everything seems to be nice, but the sugar bowl, the butter, and the jam are uncovered, and there are probably one or two flies parading around the place. I think people should realise the importance of hygiene. People who travel become fly conscious.

Very difficult to take samples in the country because material that is likely to deteriorate must be packed in ice. It used to take a sample, pack it in ice, keep it in the refrigerator until the aeroplane arrived, consign it to Perth, and send a telegram to say it was coming so that the plane could be met. That is the normal way of sampling in the country for consignment to the city. Where there is no aeroplane service, the samples must be transported by road. It is not necessary to go to the same degree of trouble with chemical samples because they do not deteriorate.

Some shires do the job meticulously; others do not. Some shires think sampling is an expensive procedure. Now, they will have to contribute to this which is a good thing, and if they take samples they will contribute further. The important thing is that there will not be the situation that some shires are the workhorses while others shirk their duties.

The second part of the Bill refers to health surveyors. Their job will be primarily to educate the public, to create good public relations, and to help the public to help themselves. The health surveyor is not there to find fault and be continually picking on people. However, there is always the person who will not co-operate, no matter how much he is encouraged to play the game. Eventually, the health surveyor's patience breaks and he prosecutes. Then the offended person screams to high heaven that he is being persecuted.

Nevertheless, I think we should help the health surveyors a great deal more than we do. I think the penalties are too low. For many people on small incomes sausages are the main diet, and if the sausages do not contain the correct amount of meat the people are being robbed; they are paying for something they are not getting. I would therefore ask the Minister to have a look at some of these penalties, because I think they are too low. The people who set out to rob the public by adulteration of foodstuffs do so in a calculated way, and the people who are suffering economically are usually the people who can least afford it.

Health surveyors were instituted in New South Wales 35 years ago. The system commenced in Western Australia in 1963, and it achieved national scale in

1965. I understand that there are three States that have approved this type of legislation. It is expected that health surveyors will have a world-wide organisation within a few years. *The Australian Health Surveyor* is the monthly journal, published by the health surveyors; it contains very good articles by well-read health surveyors. Health surveyors belong to the Australian Institute of Health Surveyors, and most of them are members of the Royal Society of Health, London, which sets the examinations that are conducted by an agency in each State, and issues a certificate.

I would suggest to the Minister that there are superannuation difficulties for company health inspectors. Perhaps the Minister could give some thought to establishing a superannuation scheme on a State-wide basis so that all health surveyors contribute to one superannuation scheme. I also think that if the shires were responsible to the commissioner perhaps the commissioner might take a little more interest in them, because some shire councils are very difficult to get on with. They have vested interests in certain businesses, and the health surveyor who has to do sampling, inspections, and so on, can incur the wrath of some councils. It does not happen everywhere. Some health surveyors are very happy where they are but I have spoken to one or two who are quite unhappy because they are out on a limb. They have a job to do; their conscience tells them to do their job but they are up against those vested interests all the time and it can be unpleasant.

I would like to say one more thing. We read recently in the newspaper that a women fooed a house in Chinese food. There was a conviction. The magistrate fined the person concerned $50 for selling substandard food containing foreign matter, in contravention of the Health Act. A fine of $40 was imposed on each of the other three charges and a fine of $40 for smoking. That adds up to a fair amount of money, but I do not think it is enough. I think the onus is on the people who conduct businesses to conduct them in a clean manner, to provide vermin-proof cupboards and to store food away from vermin, but this place was absolutely filthy. The newspaper report said—

> When health authorities visited the restaurant next day they found bags of rice with holes eaten into them, unwholesome dried mushrooms, vermicelli, and a half kerosene tin of rotting fruit and vegetables in a refrigerator.
>
> On a second visit, a health inspector found Kai sitting in an enclosed back verandah. He had a cigarette in his mouth as he prepared food.

There is nothing worse than a person preparing food with a cigarette in his or her mouth. Continuing—

> There was a heavy infestation of mice and cockroaches in the kitchen. The walls were filthy and needed to be washed before they could be called decent.

Apparently those premises have been operating in that filthy condition for quite a long time. This may not have been the fault of the health surveyor, because there is a shortage of them, and the ones who are employed find it impossible to make frequent visits to all premises where food is handled. A person who has any pride in himself should take every care in ensuring that the premises in which he operates are always clean, but if he does not maintain them in a hygienic condition he should be hit with a heavy fine.

A health surveyor carries out his duties to the best of his ability, but sometimes he is forced to prosecute and in a case such as that which I have quoted to the House the health surveyor should be supported in any action he takes. By that I mean that heavier fines should be imposed. Where any offence committed by any person who operates premises where food is handled is offensive to the public a heavy penalty should be imposed, and in my opinion the case I have cited showed that the offence was offensive to the public.

I know of another case of a butcher who was fined $16 because he refused to allow the health surveyor to enter his premises to obtain samples. I wonder how much extra that butcher would obtain by lacing his mincemeat? The fine of $16 would represent only about four hours profit, or at the most, one day's profit. Therefore, whenever it is found that a food vendor has been robbing the public a heavy fine should be imposed on him.

I wish to make a few comments on one further health matter—the fly menace in the metropolitan area. I was wondering whether some steps could be taken to eradicate flies from our city. I know that one encounters many flies in the goldfields, but not to the same extent as in the metropolitan area. From November onwards flies are extremely bad in the City of Perth. I know that during certain periods of the year people are engaged to go from house to house to inspect backyards, dustbins, and so on, and to advise householders to make every endeavour to prevent the breeding of flies. I do think that the keeping of fowls in backyards in the metropolitan area contributes to a great extent to the breeding of flies.

A few years ago an experiment was conducted at the zoo to ascertain the rate at which flies breed. A square foot of manure was allowed to be infested with flies. It was then covered and after about two or three days it was found that approximately

3,000 flies had developed. Therefore it can be seen that flies breed very rapidly in conditions that are suitable to them.

I suppose there are methods that could be used to eradicate flies, but unfortunately they are fairly expensive. Nevertheless, I hope that some measures will be taken in an endeavour to eradicate them. I did notice in a Press report that one tourist said—

> First, the flies in this city—you have no means of de-fogging to try to eliminate them.

I know that defogging is carried out in other cities. Therefore it would be worth while conducting an experiment to ascertain whether the use of defogging in Perth would assist in eliminating flies.

I am a fanatic in regard to flies in my own home. Very seldom is a fly seen inside my house. Around my back door I use bait placed on top of milk tins and this is very effective. One can see many dead flies around the bait, and if every householder took the same precaution this would have a general effect overall in eradicating flies. As I have said, health surveyors have a great deal to do and I know that many shires are without a health surveyor or are under-staffed in their health departments.

THE HON. F. R. H. LAVERY (South Metropolitan) [8.4 p.m.]: In view of the remarks passed by Mr. Stubbs in regard to the fly menace in the metropolitan area I would like to make a few further comments on this matter but without any offence to Mr. White. On many occasions I entertain Eastern States' people at hotels and various restaurants and eating places. Last week I took some friends to Kalamunda, and being unable to find a restaurant where they could have a cup of tea, I eventually approached a shop which appeared likely to meet our requirements but the front of the premises was so dirty I would not even allow my friends to enter.

I think we have reached the stage where some shires make no attempt to join in the various health schemes. I do not know much about the operations of the Kalamunda Shire, but I know something about its shops. I found that they were rather bad. The point made by Mr. Stubbs is that there are some extremely potent fly sprays available. To a degree we are successful, with the aid of fly screening, in preventing flies from entering homes, classrooms, hospitals, and other public institutions, but we are not taking any steps to destroy the pest.

Like Mr. Stubbs, I have also adopted a system in my home whereby we prevent flies from entering the house by the use of baits, but we still find that flies are extremely annoying during certain periods of the summer. In view of all the research the Department of Agriculture conducts into solving various other problems, I often wonder whether this department has or has not taken steps to find some method of eradicating the fly. I would point out that eucalypts can be found in practically every part of our State and there is no doubt that flies seem to be particularly bad in areas where eucalypts abound. I was wondering, therefore, whether eucalypts create conditions that are suitable for the breeding of flies, and if this is the reason that flies are so bad in Western Australia.

In Singapore where the humidity is always around the 80 mark, one finds that there are no flies despite the fact that meat and other food shops do not have any shop windows. However, one can merely go around the corner, as it were, to the river during one period of the year in Malaya especially when the rainfall is extremely heavy, and one finds that the stench is almost unbearable.

I would point out that there are very few flies in Wundowie. Therefore, if they can be eliminated in one of our State centres surely we can do something about eliminating flies in the metropolitan area. The C.S.I.R.O. and the various oil companies have spent a great deal of time and money on developing various types of soaps, greases, fats, oils, and other items. For example, during the last war the Shell Oil Co. produced a detergent to take the place of soap because fat, the basis of all soaps, was in short supply. Therefore it is rather surprising to me that these organisations have not done something to eradicate the flies which are so prevalent in Western Australia. Like Mr. Stubbs, I support the Bill.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [8.9 p.m.]: I thank members for their comments and their general agreement to the Bill. I wish to reply to one or two matters that were raised. Mr. Stubbs said that perhaps a further review could be made of the penalties. I can assure him that this will be done from time to time. It has been considered, of course, that the penalty of being named in an action quite frequently has an effect on a food seller or a restaurant owner equal to the penalty imposed under the Act, because there is no doubt people are extremely averse to revisiting any premises that have been given a bad name.

I will admit, too, that there is a natural desire by any health surveyor to give a man a go. This sometimes gets him into difficulty and, in fact, we have had a case recently where this occurred. I am sure Mr. Stubbs has had the experience of a health surveyor recommending that certain renovations or repairs be done to a shop and the proprietor will carry out some of them, and when the health surveyor revisits the premises the owner is, perhaps,

just starting on the remainder of the renovations. The health surveyor, taking the view that the proprietor is making some attempt to carry out all his recommendations, gives him an opportunity to finish the renovations by a certain date rather than put him out of business.

On the other hand, frequently advice can be given to a manufacturer or a shopkeeper in regard to alterations to his premises so that he may remain in business. We had a case about 18 months ago where this was, in fact, done. The owner had experienced some difficulty in regard to operating his factory, but after advice had been rendered to him he found that he was able to cope and carry on. The only comment upon which I wish to argue is that perhaps the Commissioner of Public Health should take a greater interest in health inspectors. I think both the Commissioner of Public Health, and Dr. Snow, the Deputy-Commissioner of Public Health, take a great interest in health inspectors.

The Hon. R. H. C. Stubbs: You probably misunderstood what I said. I agree with that statement.

The Hon G. C. MacKINNON: Perhaps I did misinterpret the words used by the honourable member. However, there is no doubt that both the officers are very interested in health inspectors. Traditionally, health inspectors are employed by the local health authority and at times suggestions are made to change this system. Nevertheless, I still think it is the best method in view of the liaison between the officers of the Public Health Department and the local authorities in this field. There is great co-operation between the two bodies.

I am not sure of the position, but I will make some inquiries about the method of superannuation, raised by Mr. Stubbs. I would point out, however, that this is a matter for the various local authorities.

The Hon. R. H. C. Stubbs: I think the scheme would have greater strength if they were all brought under one superannuation scheme. At present the shires have to enter into schemes through the various insurance companies.

The Hon. G. C. MacKINNON: This matter has been discussed at different times; that is, the question of whether health surveyors and various health matters should be brought under central control.

In the Press the other day I think I was quoted as being a secessionist, so it ill-becomes me to recommend such a move. It would not be a very wise step for me to take. Nevertheless, within this system there may be room for implementing the suggestion made by Mr. Stubbs, and I will certainly have it considered.

The other matters I might comment upon are the fly problem and dirty shops. As both Mr. Stubbs and Mr. Lavery mentioned, there is a shortage of health surveyors throughout the State. This was indicated by a question asked today of the Minister for Local Government. However, I did advise the House that a considerable number are being trained and we hope to have more men available in the near future.

The Hon. F. R. H. Lavery: Today a great deal of their time is taken up by inspecting septic tanks instead of inspecting food establishments.

The Hon. G. C. MacKINNON: I sincerely hope we will alleviate the shortage of health surveyors in the near future. In regard to the fly menace I would like to mention that from what I have observed in regard to this problem overseas flies were probably prevalent in this country long before the white man came here, but I will admit they have never been so prolific as they are now.

The Hon. F. J. S. Wise: There is more than one sort of fly, of course.

The Hon. G. C. MacKINNON: That is so. I can recall that when I was in South Africa I was visiting Assegaibosch and I made the comment that there were no flies. I then asked if the area had been defogged, and I was told, "Wait till you get out into the bush." However, when I did get out into the bush on one occasion I was close to a zebra, and on another occasion I was close to an elephant. I might mention that this was in the middle of Kruger Park and despite the fact that I was in the vicinity of animals I saw only about six flies. Members can well imagine what the position would be in this State in regard to the prevalence of flies, especially if one was standing near any sort of animal. I am sure that if one was in the iron ore country or in some other remote part of the State there would be more flies in a few minutes than one could cope with. There is no doubt this is the position in regard to the fly menace all over Western Australia; not only in those areas where eucalypts abound.

I would add to the comments made that I favour very much a solution of the problem mentioned by Mr. Stubbs. We are carrying out some experiments on the baiting of flies. Members would be aware of this: There is an increasing danger in the widespread use of chlorinated hydrocarbon sprays which are generally used for these purposes.

I think the baiting system has a number of advantages. We are in the early stages of experiments with this type of treatment and when we have made a determination on one or two matters which we have been considering we will be able to give publicity to this idea with a view to giving information to people on the use of a piece of offal, which is dipped in bait and placed inside a wire frame to

keep birds and cats away as a fly bait in the backyard. This bait could be renewed from time to time. This type of bait may have an effect on alleviating the problem. However, we are only in the experimental stage.

I thank members for their comments on the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 7 amended—

The Hon. R. H. C. STUBBS: When I was referring to the health surveyors I said—although I forget the exact words—that more interest should be taken in them by the commissioner. I did not mean that in any derogatory sense. What I meant was that the commissioner and the deputy commissioner should take an interest in such things as superannuation which affects the health surveyors. I know the commissioner and his deputy, and I have the highest regard for them. I want to correct any misunderstanding that might have arisen.

The Hon. G. C. MacKINNON: I am quite aware that Mr. Stubbs has the highest regard for both the commissioner and the deputy commissioner, but I had the feeling that he might have been upset by the words he used, as they will appear in *Hansard*. I wanted to give him an opportunity to correct any possible misunderstanding.

Clause put and passed.

Clause 4: Section 3 amended—

The CHAIRMAN: I would point out that this clause is shown as clause 3 in the Bill. I have given instructions to the Clerk to alter it to clause 4.

Clause put and passed.

Clauses 5 to 12 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

WORKERS' COMPENSATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th April.

THE HON. R. THOMPSON (South Metropolitan) [8.21 p.m.]: When the Minister introduced the second reading of the Bill he said that the Act had been much amended. This is correct, but unfortunately the amendments, which have been accepted over the years to bring the legislation more into line with the Acts of the other States, have resulted in Western Australia having the worst Workers' Compensation Act in the whole of Australia in the past 20 years.

It is possible that through the appointment and the activities of the committee that has been mentioned, which comprised a representative of the Employers' Federation, two representatives of the Trades and Labour Council, one representative of the Underwriters Association of Western Australia, the Manager of the State Government Insurance Office, and the Chairman of the Workers' Compensation Board, at long last we will find that some justice will be done to the people who are unfortunately injured in industry.

I know it is the view of the Trades and Labour Council that when it appointed representatives to that committee it joined in the hope and trust that compromise would be the order of the day, and that the people concerned would see fit to bring the State Act up to the standard of the Acts in the other States. For that reason a unanimous report by the committee has been brought before us; but that does not mean to say that the report is everything that could or should be desired because Western Australia is still a long way behind the best that is on offer in some of the other States.

If we take into account the short time that I have been a member of this House we find that the amendments which I attempted to have passed on behalf of the Labor Party in the past 10 years are, in the main, included in the Bill before us.

We should look firstly at what the committee had to deal with. The number of items submitted to it for reference totalled 98, and of these 48 were accepted, 40 were rejected, and five were withdrawn. The Trades and Labour Council submitted 44 items for consideration, and of these 21 were accepted, 19 were rejected, and four were withdrawn. I might add that three out of the four items were withdrawn because of the variation in the total wage and the basic wage.

The State Government Insurance Office submitted four items, of which three were accepted and one was rejected. Dr. J. McNulty submitted three items, of which one was accepted and two were rejected. The Chairman of the Workers' Compensation Board submitted 18 items; of these 16 were accepted, one was rejected, and one was withdrawn. The Law Society of Western Australia submitted 24 items, and of these seven were accepted and 17 were rejected.

It is interesting to note that the items which were rejected are not contained in the Bill, but the ones which were accepted are in the Bill. The first matter which

was raised for discussion—and this concerns dependency—dealt with *de facto* wives. This item was rejected. In this regard we should look through a compendium of the provisions which are included in the Workers Compensation Acts of Australia, and the earliest I have appeared in the New South Wales Act in 1965 in that State a *de facto* wife in the year 1965, and probably for many years prior to that, was accepted as a dependant, provided she had resided with her *de facto* husband for three years. Similarly, an illegitimate child or an illegitimate grandchild was accepted.

In Victoria, a person wholly or partly dependent on the worker at the time of his death—this includes a *de facto* wife—was covered. In South Australia, an illegitimate child and its mother—or in other words a *de facto* wife—are covered. This provision appears also in the Commonwealth legislation applying to Commonwealth employees, seamen, etc.

However, up to this point of time the Act in Western Australia does not accept a *de facto* wife as a dependant. I am sure that all of us have found from our experience that there are many hundreds of *de facto* wives in this State, and possibly they are living very happily with their *de facto* husbands. These women have raised families. I think the responsibility is on us to accept the *de facto* wives, because they are accepted by the Department of Social Services for pension purposes, the Child Welfare Department, the Hospital Benefits Fund, and other instrumentalities. However, when it comes to regarding them as dependants under the Workers' Compensation Act they are not accepted. Although *de facto* wives are accepted in the appropriate legislation of the other States of the Commonwealth, on this occasion the committee which I have mentioned rejected them.

Regarding the earnings of spouses to be disregarded for dependency purposes, there is provision in the Bill to allow the earnings of the wife of an injured worker who has to shoulder the family responsibility to be disregarded in calculating the rate of workers' compensation. In the words of the Minister, if she is prepared to put her shoulder to the wheel to help her husband and family over a period of insecurity she should not be penalised.

However, if the wife of a worker is working in order to help to maintain the family, and she had been doing this prior to her husband sustaining an injury, that fact is taken into consideration. That does not apply in the other States, and it should not apply in Western Australia.

The next item submitted by the Trades and Labour Council was headed "Worker." The council wanted the inclusion of voluntary bushfire workers and St. John Ambulance workers. This item was rejected by the committee but recommended that the appropriate Acts should contain provisions which are applicable under the Workers' Compensation Act. I trust that the Ministers in charge of the various departments concerned will take notice of these recommendations in the spirit in which the committee made them, and will include a coverage for volunteer bushfire brigades workers and St John Ambulance workers in the respective Acts that are applicable to those workers, so that they will be given workers' compensation coverage.

Permanent and partial incapacity is another heading under which there was a rejection. There was a request for the removal of the limit on weekly payments. However, although we find that this was rejected, possibly, under the second schedule, some little relief may be obtained.

I think that in line with the New South Wales Act, which has been the leader in workers' compensation legislation in Australia, we will walk slowly as we have done over the years with workers' compensation. The most used word in this Chamber, when it comes to getting benefits for people who are injured, has been the word "hope." Injured workers do a lot of hoping, and I know that members on this side of the House have been using the word "hope"; hoping that this will be done or hoping that that will be done. We know that we do not have the numbers in this Chamber to see that certain matters are attended to.

Payment for death was another which was considered to be too low. However, it was thought wise to leave the figure as it now stands and we can see that there is some justice in this. Previously, there had to be a 2½ per cent. increase in the basic wage before any adjustment could be made to the workers' compensation. This will not be the case in the future when this Bill becomes law. When any adjustment is made to the basic rate of wage, an adjustment will automatically be made to the compensation payment. That is an advantage. However, if a person is knocked over by a motorcar and killed the compensation paid could be in the vicinity of $20,000 or $30,000; whereas if a worker is knocked over and killed in the course of his employment the compensation is less than $11,000. To me there appears to be a comparison in the cases but not in the payments made.

The average weekly earnings should be the measure as far as workers' compensation is concerned. I do not think anyone wants to be injured and have his family deprived of the necessities of life. At the present time nobody in this country can afford to be sick, let alone injured and receive a maximum of something like $39 a week for a man, wife and children. That is not enough to live on when one

takes into consideration the high cost of living and hire-purchase repayments which are necessary.

The average weekly earnings should be the order of the day. If one talked to people living in West Germany, England, or Sweden, about reduced payments while on compensation they would not know what one was talking about. It would be like the Minister for Health talking about flies in South Africa. In the countries I have mentioned injured workers receive payments equal to earnings prior to the injury. That should be the case here.

I will run through the headings of the report to which I am referring because there is a long list of them. Referring to the statutory allowance, an increase of 12½ per cent. was requested but it was rejected. Serious and wilful misconduct: I think some of the members who represent the Lower North Province will recall that some time ago—possibly six or eight months ago—a policeman was killed while returning from Menzies to Kalgoorlie. Evidently it was a very hot day and the policeman decided that rather than return in the heat of the day he would linger at the local tavern, and he had a few beers. I think that would be a natural thing for anybody to do in the circumstances.

Sadly enough, when the policeman was returning to Kalgoorlie his car overturned and he was killed. Because he had a drink his wife and children were denied compensation; they did not get a cracker! A request under this item has again been rejected. So it would be sufficient to say that if a person were to go into the city during his lunch hour and have a couple of beers—he would not need to have too many—and on his return to work he was involved in an accident, and he was found to have a blood alcohol content of .08 or more, his wife and family would not be entitled to compensation. The fact that his blood contained .08 per cent. alcohol would be sufficient to prove that he was wilfully negligent during his hours of work.

Of course, we know that this is not the case but why we should have such provisions written into our Act I will never know. The hernia provision has been rejected again. Some years ago a case of hernia was subject to compensation but the provision has gradually been cut down so that a worker finds it very difficult to succeed with a claim for hernia.

I, personally, went to a doctor and was examined for a hernia. The doctor said I did not have one. The same afternoon I went to a specialist and he said I did have one. A couple of days later he operated on me. So it can be seen how difficult it would be for a worker to know, within 72 hours of lifting something heavy, that he had a hernia. Possibly, I had mine for months and did not know about it. Even the doctor could not detect it. If a worker does not report within 72 hours of the accident that he has a hernia he is not entitled to compensation.

In other Acts, particularly in the New South Wales Act, there is provision that where a worker is partially incapacitated and suffers a permanent injury, and it is necessary for him to take on a light job, the onus is on the employer to find employment for the person concerned.

Just recently I was handling the case of a boilermaker who had worked for a firm for 17 years. He was an excellent tradesman and an excellent worker, but he fell from quite a large construction job and injured his back. The doctors, including the specialists, kept sending him back to work and, I might add, he was quite eager to go. He did not want workers' compensation but each job he got proved to be too heavy for him. Eventually he was put on process work in the factory but he could not stand for seven and a half hours straight. I think the factory worked for seven and a half hours with 20 minutes off for lunch. However, as I said, the injured worker could not stand for that length of time and eventually he was sacked. He had given 17 years' faithful service but he was sacked because he was of no further use to that employer.

In other parts of the world, and even in New South Wales, when a worker is placed in a similar position the employer is responsible for finding suitable employment. It is not the employee's responsibility to find some sort of job and then battle with the private insurance companies—as was the case with the man I have mentioned. I handled his case and we had to battle with the insurance company to receive payments. It was a tariff insurance company which is held in rather high esteem in this State. However, the company just would not send the cheques along. Likewise, we found that the doctors are not completely blameless in this respect when dealing with compensation cases. Some are dilatory to say the least inasmuch as they will not forward certificates to the insurance companies in time for the worker to be paid. This is something which should be seriously looked at from the point of workers' compensation.

I think the Minister mentioned this aspect when dealing with the case of a bankrupt or dead employer. I think the Minister used words along those lines: that in most cases the injured worker holds the insurance company responsible and not the employer.

Under our Act the employer is responsible but he shelves his responsibility the moment an employee is injured; he puts the onus on the insurance company. As far as our Act is concerned the employer is responsible for payment to the worker

every week provided that that person complies with the requirement regarding a doctor's certificates, and is unfit for work. But we find that the employer passes the responsibility on to the insurance company and the insurance company, in turn, passes the responsibility on to the doctor. Because of the muddle we find that people are living on the breadline.

I think I have said enough about rejections of some submissions, but I could go on speaking about others, even some made by Dr. McNulty. However, I feel that the Kalgoorlie members would know more about mesothelioma. I think this is the first time I have seen mention of mesothelioma. As I said, I am sure the Kalgoorlie members will find something to say about that disease and also about pneumoconiosis.

Strange but true, the Law Society came up with practically identical recommendations to those put forward by the Trades and Labour Council. The Law Society wanted the deletion of the words "by accident" but the request was rejected. The Law Society also wanted, in cases of death, retrospectivity concerning weekly payments under the second schedule. The request concerning "death" was accepted, and the other two requests were rejected.

Referring to procedure, the Law Society requested that the hearing date not be fixed at the time of the application, but that request was rejected. Also, the society requested the right of appeal but that, too, was rejected. The case of the employer having to provide suitable employment—about which I spoke a few minutes ago—was also rejected.

The alternative to suspending weekly payments was also rejected. Reasons for automatic suspension with 21 days' notice to an injured worker was another item rejected. The return to the place of employment for a trial rehabilitation period was rejected, and the retention of section 3 of the Act was also rejected.

So it can be seen that the Law Society set out the problems it would run into, and the injustices it could see when dealing with cases affecting workers' compensation, and it came up with 24 submissions. Out of the 24, the Law Society had seven agreed to. However, most of the submissions were completely in line with those of the Trades and Labour Council.

Likewise, many of the submissions of the Workers' Compensation Board were similar to those of the Trades and Labour Council. The State Government Insurance Office submitted four proposals and three were accepted. It is gratifying to see that some progress has been made, in this respect, with workers' compensation. But it is sad that more progress was not made and it is certainly cold comfort for those people who have suffered an injustice for so long and who will never be able to get complete redress under the provisions of the Western Australian Workers' Compensation Act.

I shall now refer to a report as a result of which I moved certain amendments to the Bill introduced in 1964. At that time I moved an amendment to include the to-and-from clause—compensation for a worker injured while travelling to or from work. On that occasion my efforts were not successful but, on a later occasion, the Government introduced the proposal. Another amendment I moved in 1964 was in reference to retrospectivity and there was also another proposal relating to the definition of "dependants." We wanted to include *de facto* wives and ex-nuptial children but until now workers have had to suffer the indignity of dependants in those categories being excluded from coverage. However, although *de facto* wives have not been included on this occasion the other type of dependant is to be included.

The definitions of "injury" and "worker" were also the subject of debate and we put a case to the Minister in 1963 for an extension of the definitions, but our proposals were rejected. The case in question involved a man named Marshall, who was a timber worker. In his case he was found to be outside the scope of the Act; he was considered to be a pieceworker and, therefore, was denied workers' compensation. Therefore, although much play has been made of the fact that the timber workers' clause has stood the test of time, and that it would be wise to incorporate it in the provisions of this Bill to cover pieceworkers who are in actual fact subcontractors to a degree, I think the provision should have been included some time ago.

The question of rehabilitation is another one worthy of mention. As a matter of fact, in 1963 we recommended to the Minister 29 general amendments, 10 amendments to the first schedule, and a complete revision of the second schedule. But our pleas fell on deaf ears. In regard to rehabilitation, we find in the larger States of Australia rehabilitation centres have been set up. They were expensive to build and are quite lavish in their appointments, and the committee that dealt with the amendments that are proposed in this Bill complimented the Trades and Labour Council for the excellent job it had done in preparing a report on the rehabilitation of disabled workers. The report covers something like nine foolscap pages and I think the concluding paragraph is worthy of mention. It reads—

> In the meantime a prime amendment necessary to the Act is to provide that reasonable rehabilitation costs come within the provisions of the first schedule in the manner

to similar to that already applicable to the cost of medical, hospital, and artificial aids.

Now we find that a limited number of workers will be provided for. Money will be made available and through either State or Commonwealth facilities workers will have an opportunity to take their place in society after a period of rehabilitation.

The Hon. G. C. MacKinnon: It is expected, of course, that the limited number would be the total who could be rehabilitated.

The Hon. R. THOMPSON: The limited number would not be the total.

The Hon. G. C. MacKinnon: It is expected that it would be. They made a guess, as I said.

The Hon. R. THOMPSON: Yes.

The Hon. G. C. MacKinnon: It is not limited beyond what is expected.

The Hon. R. THOMPSON: No, that is so. I think this is wonderful. It is a step in the right direction and I know it will be appreciated by one member in this Chamber in particular, Dr. Hislop. He has had a great deal of experience with rehabilitation. As a matter of fact, at the Melville Rehabilitation Centre he is almost referred to as the King of Melville because he has devoted so much time and energy to the work that is being done there. I feel sure that Dr. Hislop will vouch for what I say.

Unfortunately, many workers have had to pay for their own rehabilitation out of their lump sum payments and I know the Commonwealth authorities would be only too happy to make their facilities available provided they were getting paid from the right source. Those authorities have a good argument in favour of the Commonwealth being paid for the use of its facilities because they cost a lot of money and someone has to pay for them.

The Hon. G. C. MacKinnon: You don't have to convince me. It is in the Bill.

The Hon. R. THOMPSON: I know it is, but the cost is not a burden on the employer. If we have a close look at the premiums that are paid and the gross profits that are made from workers' compensation business we will see what the position really is. I can repeat the figures by heart because I have referred to them on so many occasions in this Chamber. The last complete figures that could be obtained relate to the period up to July, 1967 and over a five-year period insurance companies in Western Australia made $12,000,000 profit from workers' compensation business. Those figures can be easily authenticated by reference to State Government Insurance Office and other reports. Workers' compensation business is very lucrative so far as the insurance companies are concerned because they are guaranteed a gross profit of 30 per cent. If the figure falls below this level the premiums are increased.

In addition, some insurance companies are offering a rebate of up to 45 per cent. —and these are tariff companies—to entice other business. Although the insurance companies may complain and say that workers' compensation business is not profitable, one does not hear of their handing it over in the same way as some underwriters have done with their motor vehicle insurance—some of them have handed that business over to the State Government Insurance Office. Some large concerns, such as Western Underwriters, do their motor vehicle insurance with the State Government Insurance Office. Probably that firm undertakes workers' compensation business but as I have never had a workers' compensation case involving that company perhaps it is a little unfair that I should mention the name. However, various insurance companies do hold out rebates as a bait to get other business.

I have complained previously about American and Dutch firms who have undertaken contract work at Kwinana, in the north-west, and at the North West Cape. I can remember the case of one injured worker who was not covered by a union. This was prior to the Trades and Labour Council being established in Western Australia and before there were compensation clerks. This injured worker did not know what to do and eventually he came to see me. I took up his case only to find that the insurance company which had covered him was registered and had its head office in the Bahamas.

So members can see how hopeless it is to try to regulate payments to workers in Western Australia when foreign companies can come into the State and the insurance companies involved have their head offices in other parts of the world. A large number of the companies have their head offices in London and, in some cases, even when lump sum payments have been awarded by the board, these companies have taken a considerable time to settle up.

One of the propositions of the Trades and Labour Council was to have incorporated in the legislation provision for a loading where undue delay occurred. The proposition was put before the committee but rejected as far as this Bill is concerned. The idea was that where a case of undue delay occurred in the settling of claims a 10 per cent. loading should be imposed. The idea has not been totally rejected at this stage, but I understand it is a matter of further inquiry by the committee after details of particular cases have been supplied by the Trades and Labour Council.

It is not sufficient to say that we are completely satisfied with the amendments that are proposed to the Workers' Compensation Act. Speaking personally, I am definitely not satisfied and neither is any other Labor member completely satisfied, because workers suffer too many injustices at present. However, the lesson we can all learn from the setting up of the committee is that all parties, for the first time, were prepared to sit down around a table and accept, on a friendly basis, some of the provisions of the other Acts in operation in Australia. I think this augers well for industrial relations in this State; because at present some Ministers, some employers, and many of the general public seem to be sniping at the actions of trade unionists.

In this case the round table conference idea was used to assist injured workers, and I think the same idea could be used in many other cases in lieu of the setting up of compulsory conferences. They have not achieved anything. But the employer and the worker can achieve much if the employer is prepared to talk.

The Hon. G. C. MacKinnon: I think the Minister in question is to be highly commended, don't you?

The Hon. R. THOMPSON: On this occasion—

The Hon. G. C. MacKinnon: Yes.

The Hon. R. THOMPSON: I will go a bit further than that. I would say he is to be highly commended with a proviso—that he keeps the committee in operation.

The Hon. G. C. MacKinnon: I think you could be a bit more generous than that and say he is to be highly commended, period, and express the other as a hope.

The Hon. R. THOMPSON: I think the idea of a committee is a very good one. Some of the submissions I referred to, which were put forward in 1963—not to this Minister but to the previous Minister who could not care less about workers' compensation because anything he gave us was peanuts—

The Hon. G. C. MacKinnon: That is unfair.

The Hon. R. THOMPSON: It is not unfair.

The Hon. G. C. MacKinnon: He is not here to defend himself.

The Hon. R. THOMPSON: That is the honest truth. I will say that this Minister has tried to do something.

The Hon. G. C. MacKinnon: Let us not talk about it any more.

The Hon. R. THOMPSON: I do not know whether or not it is the fault of Cabinet that he has not been able to do all he wanted.

The Hon. G. C. MacKinnon: This is what the committee put up.

The Hon. R. THOMPSON: I do not know whether that is the case—not that I am talking about the period prior to this committee being set up. I think the committee is a wonderful idea. I think it has proved to employers and to the trade union movement generally that there is a lot to be said for this type of conference, whether it be concerned with workers' compensation or any other matter. This principle was successfully brought into being after the Woodward report on the Stevedoring Industry Authority some years ago. Woodward recommended that committees of this type should be set up and within six months trouble was virtually eliminated from the waterfront. Admittedly there are some problems at the moment, but that is something which is associated with working conditions, which was not the case in those days.

I support the Bill and, as the Minister said, I realise the second reading notes were not his; he is in the position of handling the Bill for another Minister.

The Hon. G. C. MacKinnon: They are my notes when I handle the Bill here.

The Hon. R. THOMPSON: But the Minister is not responsible in the true sense of the word for the introduction of this Bill to Parliament. My closing remark is that I think the committee should continue in operation and should review workers' compensation just as the basic wage is reviewed in Western Australia from time to time. Ultimately we hope that workers' compensation will be brought up to the full standards of Acts applicable in other States and that a serious look will be had at the 107 insurance companies operating in Western Australia. We hope and trust that the majority of this work will be channelled into the State Government Insurance Office in the future.

I think some of the tariff companies—I do not want to be unduly critical of them and I qualify my remarks by saying "some of them"—are absolutely intolerable in their payments to workers. I think most workers in Western Australia will be happy with the recommendations; but they will be happier when they get all they want; that is, an Australian average. I support the Bill.

THE HON. V. J. FERRY (South-West) [9.3 p.m.]: I have pleasure in supporting this Bill. When the Minister introduced the measure to this House he said, in effect, that this is a much amended Act and that amendments had been presented to Parliament fairly frequently over a number of years. To my mind, this is a very good thing because the subject of workers' compensation is, in my view, an ever-changing one. It is right that

workers' compensation should be reviewed appropriately and the Act amended as may be found fit from time to time.

I do not propose to take very long at all on this measure; but I wish to record my appreciation of the Government and the committee which has been referred to which was set up to examine all aspects of workers' compensation. I wish also to add my appreciation of the attitude adopted, and the work done, by the Minister for Labour who was mainly responsible for the introduction of this amending Bill in another place. I had the privilege of examining the proposed amendments last year as I am sure a number of other members also had that privilege. When I examined the recommendations of the committee and thoroughly discussed them with people better versed in the subject than I am, I came to realise the complexity of matters affecting workers' compensation.

I am satisfied that the many amendments contained in this Bill will go a long way towards satisfying the needs of the people affected by the legislation. I do not think we will ever reach a point in time where we will have complete unanimity on amendments of this nature; but as has been mentioned in the debate, the work of this committee in examining the situation has gone a long way towards overcoming most of the problems. I would suggest that the amendments we have before us are an excellent compromise to update the Act to present-day conditions.

In my view the Bill contains several worthy amendments. I do not propose to dwell on them; I just wish to record—and I hope it suffices—my appreciation of the measure and the work that has been done to bring it before the House. I trust that much comfort will emanate to those who may benefit from the provisions contained in the Bill, and I have pleasure in supporting it.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

BUILDING SOCIETIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th April.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [9.7 p.m.]: In the report of the Registrar of Building Societies for the year ended the 30th June, 1969, under the heading "Assets" we find that the total assets, as extracted from statutory statements, increased by $47,000,000-odd compared with the previous year. In round figures that total was made up of $43,000,000 from permanent societies and $4,000,000 from terminating societies. The registrar then went on to make a forecast that for the financial year ending the 30th June, 1970, at least $100,000,000 would be loaned by Western Australian building societies.

Obviously the growth rate in this field is enormous and there is now a large amount of capital out on loan; and very many people are involved as participants in these societies. The figure given in the report is in the vicinity of 70,000.

The Minister remarked that leading operators of building societies throughout the world believe that liquidity is the word which describes the only real skill needed in the management of permanent societies. One could dwell with some interest on this word "liquidity." The amount proposed in the Bill with regard to liquidity is 7.5 per cent.; that is, $75 in every $1,000. If we dwell on the amount of money that has been coming forward since the days of the 6 per cent. offered on money loaned to these societies we see the sum involved and the speed with which it has come forward. If there were some means to reverse this process, I wonder how well the 7½ per cent. would stand up to a series of withdrawals.

It is to be hoped that the margin is sufficient to withstand anything of that nature. However, the thought occurs to me that with a liquid position of 7.5 per cent., some big societies could be endangered if there was an unusual draw on their funds. I believe the basis of these societies is essentially co-operative and in principle most of the building societies agree this is so. All of their contributors, whether they be savings share members, or investing share members, are recognised and have the right to take part in the affairs of the society.

I was hopeful that this Bill would introduce some regulations in this regard, such as all shareholders being given the right and the power to vote with a limit of, say, 20 votes to each individual. This would be in line with what many of the societies do but, unfortunately, there are some which do not. I think all these societies should be mutual organisations and run as co-operatives.

A talk to the Registrar of Building Societies is most illuminating and I think there is no doubt that he has a close knowledge of the situation throughout the State. I think that, administratively, he is holding the position well.

I make these remarks, not so much as a criticism. I think it would have been better presentation of the legislation if a provision along the lines suggested had been written into it so that it is there for all time for building societies of the present and the future to conform to.

I do not think there is any point in dealing with the Bill clause by clause as it has been approved by another place, with minor amendments. However, I propose

an amendment to further amend clause 10 of the Bill. This amendment should have been attended to in another place; the Minister gave approval for its insertion, but in the course of business it was missed. So I propose to submit an amendment in this Chamber and the Minister will be able to look at it and check the situation.

The Hon. A. F. Griffith: Can you indicate to me what you propose to amend in clause 10?

The Hon. W. F. WILLESEE: Clause 10 of the Bill amends section 15 of the Act, and that section reads—

> Unless otherwise provided by the rules, a person under the age of twenty-one years may be a member of any society under this Act, and may execute all instruments and give all necessary acquittances; but during his nonage he shall not be competent to vote or hold any office in the society.

I propose to delete the words "during his nonage" and to substitute the words "until he is 18 years of age." I admit it is not a very momentous amendment.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [9.15 p.m.]: I thank Mr. Willesee for his remarks. I think the best thing I can do is to give him an opportunity to put his amendment on the notice paper. To allow him this opportunity I will not take the Committee stage of the Bill tonight. Alternatively, if the honourable member would give me a nod of assent I could perhaps take the Bill as far as clause 9 in connection with which clause I have an amendment on the notice paper.

The Hon. W. F. Willesee: I want to check the Act carefully so that this will not be repeated.

The Hon. A. F. GRIFFITH: In that case, I will take the Committee stage of the Bill tomorrow.

Question put and passed.

Bill read a second time.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th April.

THE HON. R. THOMPSON (South Metropolitan) [9.17 p.m.]: I support this legislation also. I think it is most necessary and timely that we should have legislation to control the pollution of underground water supplies in control areas. That is what the Bill says; it refers to control areas. With the activities of conservationists at the present time and the awareness throughout the world of pollution, not only as it applies to water but also to air, I think we are on the right path in taking this early action. We are a young and growing State and we must start soon in this direction. This Bill deals with two main amendments.

The Hon. F. R. H. Lavery: Not water mains!

The Hon. R. THOMPSON: The first of these amendments deals with the prevention of pollution of underground control areas, and certain penalties are provided for. Proposed new section 57D in clause 7 deals with the making of regulations and by-laws.

We must first ask ourselves what causes pollution of underground water supplies. In the main this is caused by trade effluent, biodegradable detergents, herbaceous sprays, DDT, and a multiplicity of chemicals used in industry today. I would be alarmed if dispensation were given to an industry to carry out the disposal of waste into our underground water reserves in a control area. I say this because in his speech the Minister said—

> The parts presently envisaged as being affected by the passing of this legislation are located, in the main, in the presently undeveloped or sparsely developed land in the north and south of the Metropolitan Water Supply area.

Accordingly I would take it that these controls would be enforced where our urban development is to take place and that would be north as far as Yanchep and south down as far as Peel Estate, which still comes within the metropolitan region town planning scheme.

When we look at the southern sector of the metropolitan area, however—and this is where I raised the point about special dispensation—we find certain industrial complexes. I am not referring to those of recent origin but to those that have been built up over a number of years and would not comply with this legislation if it were made a control area. One such industry in particular would be that of wool scouring and in relation to which there is a man-made lake. The processes carried out in wool scouring are fellmongering and the wool scour itself. There are also other noxious trades carried on in the same area.

The shire council concerned has for a number of years been pressing the Water Supply, Sewerage and Drainage Department for the provision of a drain from Bibra Lake to the south-west which would remove the effluent build-up which is in the man-made lake. This is not impervious land and the only way the water can get away is through seepage which would eventually cause pollution of the underground water supply.

At this stage I do not think the company should be held responsible because it is an old and respected company which has been established there for a long time. It would be wrong for us to say, "This is a control area and you must cease operations." At the same time, however, it would be wrong to give the company special dispensation.

If the department is sincere in its intention to carry out the purpose of this legislation it should give the lead and, in doing so, it should put in this drainage scheme which is estimated to cost $1,000,000. By doing this it will make available thousands of acres of land which at the present time are virtually useless because they are subject to partial flooding, if not total flooding, during a wet winter.

Such action by the department would ensure that this land is made available; it would open up thousands of acres of land. I feel sure the Minister for Local Government knows this area well. He would know it is right for subdivision and for the provision of low-cost land for housing for the work force to service Kwinana and the surrounding area.

The Hon. L. A. Logan: You are not talking about draining the lakes completely?

The Hon. G. C. MacKinnon: Have you read Tom Riggert's report on available wetland in Western Australia for water fowl?

The Hon. R. THOMPSON: There is no intention to drain the lakes at all. We have found that Bibra Lake, North Lake, and others

The Hon. L. A. Logan: What about Thompson Lake?

The Hon. R. THOMPSON: That is no real menace. It is virtually a compensating basin, and Thompson Lake will come within the scheme. There are other sectors where it will be necessary to put in a V-branch because, in the preliminary plans which the department drew up several years ago, it envisaged that the scheme would go down Russell Road to where the new ship-building area is at the moment and thence adjacent to the depot at Woodman Point.

Accordingly there would be no difficulty in making provision for the drainage to which I referred. If we are to be sincere about this, we must start now. It is of no use our saying in an X-number of years' time that we have discovered that DDT is fouling our underground water supplies, because we know at the moment that DDT is fouling seawater. There have been numerous reports that DDT has been found in the bloodstream of penguins in Antarctica. There is no doubt that it is getting into our underground water supplies.

I recall reading an article at the week-end in which it was stated that DDT was having certain genetical effects on women; at least, this was the theory propounded by a professor who carried out research in America.

Accumulated poisons, such as arsenic, have also been detrimental to underground water supplies. I do not refer to the poisons used now but to those used in market gardens years ago—poisons like sodium arsenate which were used not only in market gardens but also in the fellmongering industry. It will be found that in the main this residue must accumulate in the ponds around the metropolitan area and from there it finds its way into the underground water supply.

I can recall Mr. Wise speaking at length one evening on a Bill to control water usage from the Gascoyne River—it referred to the amount of water that could be safely pumped from the Gascoyne River and was an experience and an education to hear that speech. It has likewise been found that salt water can encroach into the Gascoyne River.

The Hon. L. A. Logan: If you take too much water out.

The Hon. R. THOMPSON: That is so. Mr. Berry has had long experience in the Spearwood area and I am sure he will substantiate what I am saying. Over the years we have found a build-up of salinity in the Spearwood area because of the heavy draw on the underground water supply. If one drives through the market-garden area while the sprinklers are in operation one finds that one's car becomes spotted. It would not be possible to put the spots on more effectively with a piece of chalk. It is not all salt; it is probably chalk with a certain amount of salt.

The properties of a number of the people living in the area about which I am talking are not served by the Metropolitan Water Supply scheme. In the area of Thompson Lake there is a reservoir which can be seen by the people who live there; they have been looking at it since it was built in about 1956; they have lived adjacent to it since then, but they can get no water from that reservoir even though they have been trying for years to do so.

These people rely entirely on underground water supplies. To preserve the water in this area the Metropolitan Water Supply, Sewerage and Drainage Board must give serious consideration to the spending of $1,000,000 in a hurry to install a partial drainage system in the area of the lakes to keep them at a constant level and to take away the trade wastes. In this tract of land of which I am speaking there is an area zoned as a noxious trades area.

I am sure everyone has read about the pollution of Cockburn Sound which has been caused mainly by the waste from

tanneries and abattoirs. In this case I never the blame at the Metropolitan Water Supply, Sewerage and Drainage Board because there would be no effluent at all entering Cockburn Sound if it were pumped into sewerage drains running along the fence lines. That is where the pipe runs. The Act is specific and states that the board may grant special dispensation, but the type of effluent to go into a sewerage drain will be controlled.

The Hon. L. A. Logan: You have to be careful what you put into a drain.

The Hon. R. THOMPSON: That is right. However, for the life of me, I cannot understand the situation concerning the plant at Woodman Point. I believe that the drains are channelled from as far away as Victoria Park to Woodman Point. The drains pass through this noxious trades area. Possibly they were laid not more than four years ago. Time does go quickly I admit, but I imagine they were laid approximately four years ago. However, no provision was made for this refuse or effluent to go three-quarters of a mile out into the sea where the sewage is finally disposed of. The authorities allowed those concerned to continue to pour the effluent into Cockburn Sound.

The Minister for Fisheries and Fauna knows only too well that last year one fish processing works were told to close down because they did not have any means of disposing of their effluent. They could not pump it through the existing pipes into Cockburn Sound, nor could they obtain permission to pipe it into the department's drains. They could not get permission, either, from the Public Works Department, to lay their own pipeline. Therefore, these works found themselves in an invidious position. The only course open to them, under the circumstances, was to make a pond and let the effluent go out there, thus creating a health hazard and polluting the underground water supply.

The onus must be on the department to provide facilities which it could be reasonably expected to provide. In my belief this is not unreasonable because the plans have already been drawn up for the taking of effluent and discharging it in the right place. In this way we would have some chance of controlling the pollution of underground water.

Other members might like to deal with the definition of an artesian bore. Queries were raised in another place about this definition and that of "aquifer"; that is the underground catchment from which the water comes. To me the definition is quite all right and reasonable. I have checked it in all the reference books I could get, in view of the squabble which ensued in another place, and I think it is reasonable but possibly a clever solicitor in a court of law could upset things.

The Hon. L. A. Logan: We are having a look at this one anyway.

The Hon. R. THOMPSON: I think that possibly from a layman's point of view the definition is reasonable, but if the matter were raised in a court of law it could be that someone could get out of a case. It would be sad if that occurred and it could possibly be 12 months before we could get another amendment passed and therefore our efforts here would have proved rather useless.

I am not happy about the penalties. I do not think they are heavy enough. They are in line with the penalties in the Act; namely, $200 for any breach and $10 a day whilst the breach continues. I would like these penalties to be $2,000 for a breach and $100 a day whilst the breach continues. Large companies are using underground water now and this year we have experienced a drought. If we are faced with another drought next year we could be in serious difficulties. It is never certain that we will not have a drought two years running. Therefore, I believe we should tighten up the penalties under this Act.

Proposed new section 57C deals with exemptions and special dispensations. I do not like this provision at all. The board must accept its responsibility and when it has done this, there should be no dispensations whatever. We know the sort of situation which could arise. An area of 10,000 acres, for instance, could be classed as a control area, but tucked away somewhere in that area there could be a person living on a five-acre plot, and he could be granted special dispensation. Those on the other 9,995 acres would be subject to control while the one person on his five-acre plot would be given dispensation. Those on the 9,995 acres would not know the situation regarding the other person. They would be obeying the law, in all probability in a like industry or occupation. While the person a few miles away would be given dispensation. I believe this is completely unfair.

One provision in proposed new section 57D I believe is dangerous in the extreme. This section concerns appeals, and I have no argument against the right of appeal by anyone who feels aggrieved about a certain situation. I think that is a democratic right. However, unfortunately, in some cases this right of appeal does not apply; but it has been inserted in this Bill. Yet, on page 5 appears proposed new subsection (5) which indicates that the decision of the Local Court on any appeal under this particular section is final.

As I have said, I believe that this is dangerous in the extreme. To give an indication of what could occur, I shall refer to a case very well known to the Minister for Fisheries and Fauna. If this provision had been inserted in the Fisheries Act there would now be a person

walking around Western Australia laughing his head off at our Fisheries Act, the fisheries inspectors, and the Minister, to say nothing of the court. This particular person committed just about every breach in the book concerning the taking of rock lobster and prawns. He is an avowed liar.

The Hon. L. A. Logan: Don't mention his name. He might come back and get you.

The Hon. F. R. H. Lavery: He is not a member of the Labor Party.

The Hon. R. THOMPSON: We would not want him in the Labor Party; no-one would want him.

The Hon. L. A. Logan: He was a pretty big man.

The Hon. R. THOMPSON: He was a shocking character. His case came up before the Midland Police Court, but he had a sharp-shooting solicitor, to say the least. I will not reflect on the magistrate concerned, because he is no longer with us. However, this person got off with a minimum penalty and the Minister found it necessary to appeal to the Supreme Court. The Minister's appeal was upheld and the person concerned was then fined $10,000. He also lost his boat license and his fishing license, and any right ever to go on the water again, other than to walk on it.

To complete the story, I must add that he did not pay the fine but skipped the country, and he is now living in Yugoslavia. So although the law finally caught up with him because the Minister rightly appealed, the man did not pay the fine.

To return to the Bill under discussion, if we make the decision of the Local Court final, we will be setting a very dangerous precedent.

The Hon. F. J. S. Wise: What is the limitation of that provision?

The Hon. R. THOMPSON: That is the limitation—that the decision of the Local Court is final. The finality applies not only to the person who commits an offence, but also to the department which might not be satisfied with the magistrate's decision. I certainly could not go along with that one under any circumstances, because if we are to accept that provision we may as well say we are only flying a kite with this Bill.

If someone breaks the law and is dealt with in the Local Court in the same circumstances as was the fisherman to whom I have referred, and he receives a minimum fine, the Minister has no right of appeal, although the offence may be just as bad as the one committed by the fisherman. The Minister would have no right to appeal to the Supreme Court and the offender could go on forever and a day polluting our underground water supplies.

The Hon. L. A. Logan: The situation could be reversed, of course. The Local Court really could put him in a spot.

The Hon. R. THOMPSON: If it were reversed, would there be anything wrong with that? Clearly the intention of the Bill is that if anyone contravenes the provisions he would be given a period of time in which to cease the pollution. If he did not, he would then be under penalty. If he did not cease while under penalty, he would then be summoned before the court. There would be nothing wrong with his appealing if he considered and could prove conclusively that what he was doing was not polluting the water. There would be nothing wrong with his appealing.

Conversely, and this is more important, the department would have a safeguard in case a mistake were made, because it could also appeal.

The other matter with which I wish to deal concerns the regulations. It will be rather funny, I feel, if there are regulating powers in two different parts of the one Act. I believe that section 146 of the Act deals adequately with the situation, because that section states that the board may make by-laws with respect to certain matters. The first item of that section, dealing with the by-laws, refers to the general conduct of the board's business, while item (2) reads—

> For the prevention of the pollution of water within any water reserve or catchment area.

Therefore, the moment the board declares any area a water reserve or catchment area—it does not necessarily have to be underground or above the ground—that is sufficient because the situation is covered. Also, item (4a) states—

> Defining and specifying the classes of industry from which liquid trade or factory wastes may be discharged into the sewers and the terms and conditions, whether general in application or applying in any particular case, upon which those wastes may be so discharged, including the fees to be charged in respect thereof.

The Hon. L. A. Logan: I think you would find that those by-laws would apply to reserves and surface water and not to underground water. That is why they are included. It is necessary to be specific in by-law making power.

The Hon. R. THOMPSON: Item (5) reads as follows:—

> Protecting and preventing and remedying the waste, misuse, undue consumption, fouling, or contamination of water contained in or supplied from the water works or otherwise under the control of the Board.

These areas would naturally be under the control of the board and, therefore, I think the position would be covered adequately. However, I am concerned to see that there will be two sets of regulations under the one Act. I think it would be better to tidy up the Act by expanding the provisions of section 146 to incorporate the amendments, instead of including them in section 57B.

I give my general support to the Bill, but I hope it will be more effective than the clean air legislation has been.

The Hon. G. C. MacKinnon: That is not bad legislation, and it is becoming more effective every day.

The Hon. R. THOMPSON: It would want to become better every day, too. Only last Saturday week many thousands of people had a taste of what air pollution is like.

The PRESIDENT: Order! The honourable member will please address himself to the subject matter of the Bill.

The Hon. R. THOMPSON: I was dealing with water pollution, Sir, and I expressed the hope that this legislation will be used effectively when it is placed on the Statute book. I also said that the Clean Air Act is not being used effectively. Only a fortnight ago thousands of people at Lathlain park were subjected to the stench of glue from a plywood factory. Why action has not been taken in that case I do not know. I think it is a disgrace that a situation like this can occur when there is legislation on the Statute book to cover it. The legislation has been in existence for some years, but this kind of thing is allowed to continue.

I support the Bill and I hope I shall be able to drink clean water. From certain areas, at least, we should be able to drink water from wells which do not contain fluoride.

The Hon. G. C. MacKinnon: Your teeth will fall out.

THE HON. N. E. BAXTER (Central) [9.48 p.m.]: I intend to make only a few short comments on the Bill because, in my opinion, this is an early and perhaps embryo attempt to deal with water pollution problems in the State. The Bill concerns only the area of the State which is within the ambit of the Metropolitan Water Supply, Sewerage and Drainage Board. I hope that in the not-too-far-distant future we will be able to look forward to the introduction of comprehensive legislation which will deal with water pollution throughout the State generally.

In my opinion this is imperative. It is something which has caused considerable concern to other countries in the world. In particular, the United States of America is one country which is deeply concerned with the problems of air and water pollution.

So far as the present Bill is concerned, I am somewhat puzzled by the penalty which can be levied under the by-laws. A thought niggles the back of my mind to the effect that there is a limitation on the amount of the penalties which can be stipulated under by-laws. I am not too sure on this point, but I feel something exists in our law in this respect. If this is so, perhaps it is the reason that the penalties are so low because they are, in fact, made under a by-law. I can see no reason for not inserting the penalties directly into the legislation instead of making them under a by-law.

I have a specific reason for making that comment. I believe that the penalty for pollution of the water supply is a mere pittance. I think we must keep in mind the vast quantity of water which would be used in the metropolitan area for drinking purposes and for purposes of hygiene. A penalty of $250 for pollution of the water supply is a mere pittance. Also the other penalty of $10 a day for the period during which pollution is continued is a mere pittance, too. I shall illustrate my point. The situation could arise where a factory or a company discharges effluent into the water supply. The cost to the company to stop discharging the effluent into the water supply could be in the vicinity of $50,000 to $80,000. Such problems can occur. I know, for example, that the Wundowie Charcoal Iron and Steel Industry is in the process of spending something like $35,000 to $45,000 to prevent pollution of the stream in the area.

Members can imagine the situation of an industry in the metropolitan area discharging a certain amount of effluent every day, which some do. The penalties are very light and a company could go on paying the cost of $10 per day for some years before getting anywhere near the figure necessary to prevent pollution. In my opinion, it would be cheap interest on the money necessary to stop pollution. It does not take a very big amount of capital to raise $10 a day in interest and it is not a great expenditure compared with an outlay of $35,000 to $50,000.

That is why I consider it is wrong to levy the penalties under a by-law. I consider a straightout penalty should be written into the Bill. It should be nothing less than $1,000 for pollution of a water supply and certainly nothing less than $50 a day for continuing pollution. This is necessary if we are to try to stop pollution.

Those are the remarks I wished to make but, generally, I support the Bill even though I hope it is only a forerunner to legislation on pollution which will cover the whole State.

THE HON. F. R. H. LAVERY (South Metropolitan) [9.53 p.m.]: As far as the Bill itself is concerned I do not think there is much that I can add, but I am very

concerned at what is happening, or is likely to happen, in the South Metropolitan Province in regard to the discharge of waste water, and all that goes with it, from Alcoa's alumina plant. I asked some questions in Parliament last year in regard to an area that was proposed to be taken over by the Department of Industrial Development for and on behalf of the alumina company. In the vicinity of Johnson Street, Anketell Road, and Thomas Road there is a large swamp area known as "the specks." I asked whether the Metropolitan Water Board was aware that in this lake country there is a quicksand area, and that the water running through there is used by people living up to 20 miles south and three or four miles east of it. All those people are using underground water for domestic purposes, for stock, and for like uses.

The point I make is that when I asked those questions I did not ask them just to put something on the notice paper. I asked them because I know something of the area, and the people there are perturbed as to what the future might be. I have found in my political life that questions seem to come up easily enough but the answers do not. I say that in all sincerity. I received a reply from the Water Board to the effect that it did not know about this quicksand but investigations would be made.

Rumour now has it that the alumina company might not require this area, although it is in the company's jurisdiction. At Pinjarra the company is building an enormous dam which will be seep-proof, because this will be a recurring source of water supply for the company. It is spending an enormous sum of money to make this vast dam a waterproof area, and has guaranteed that there will be no contamination of the Murray River. I give the company full marks for this. I was very impressed by what I saw there, but I am not very impressed by what can happen south of Wattleup Road, where the company has now built another large dam.

The area that used to be known as White's Road is now Mandogalup Road, where the White family has probably one of the largest market gardens in the State. This dam has also been plugged so that no pollution will take place there. What is worrying me is this dam may leak at some time in the not distant future.

As the member for the Central Province said, this type of legislation is in its infancy. I believe that the department has as great a responsibility to ensure that underground waters are not polluted as it has to ensure that people have water to drink from the main area. The lots south of Thomas Road and east of Johnson Street come under the Country Water Supply Department, not the Metropolitan Water Board, and they are only five miles from the coast and one mile east of Orelia. It is therefore very important that the department should take some notice of what I am now saying. The department adopts a very high standard in its investigations and research, under the management of Mr. George Samuels and the chief engineer Mr. Hillman. Whatever they do in this area, I want them to investigate what will happen to the underground water supplies.

Although the Bill refers to the Metropolitan Water Supply, Sewerage and Drainage Board, the area south of Thomas Street and east of Johnson Road comes under the Country Water Supply Department's office at Serpentine. I know that, because some of my family pay rates to that office. I want to support the Bill; I do not want to hold it up another minute. I hope that what I have said will be accepted constructively and that some action will be taken to ensure that the proposition as propounded in the Bill will be zealously and jealously guarded.

THE HON. R. F. CLAUGHTON (North Metropolitan) [10.1 p.m.]: I have one small point to raise in connection with this Bill. Mr. Ron Thompson questioned where the clause dealing with by-laws should be inserted. It can be seen, perhaps, that by including the reference to by-laws in one section we will be saved from making a whole lot of small amendments to the different subsections of section 146. However, would it not perhaps be better to make an addition at the end of section 146, subsections (29) and (30) so that all the references to by-laws are in the one part of the Act? This would seem to be better than including a new section 57C.

The small point in which I am really interested is the definition of an "artesian bore." The Rights in Water and Irrigation Act refers to an artesian well. I think it is a question of whether we should keep these two definitions the same, rather than have a new definition that means the same thing. The definition in the Bill says that an artesian bore means a bore in which the level of water rises above the top of the aquifer on which the water is encountered. The definition of an aquifer in the Bill is that it is porous geologic formation that bears water. So I would imagine the water is contained in the aquifer and not on it.

To my mind this creates the impression of an aquifer as a layer, on top of which the water is found; and I think the definition should read "in which the water is encountered."

The Hon. A. F. Griffith: That is a typographical error; it is very obvious isn't it?

The Hon. R. F. CLAUGHTON: If this was mentioned before, I am sorry I missed it. I feel the legislation is important and I think I am right in saying there are rather large underground supplies north

of the metropolitan area which are likely to be tapped to serve suburban areas. Any person who, or plant which, runs polluting effluent into this supply could cause a dramatic effect on thousands of people. So it is important to have legislation that will protect the population from such an occurrence. I support the Bill.

Debate adjourned, on motion by The Hon. L. A. Logan (Minister for Local Government.)

House adjourned at 10.5 p.m.

Legislative Assembly

Tuesday, the 14th April, 1970

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

ALBANY ELECTORATE

Seat Declared Vacant

THE SPEAKER: Before we proceed today, I wish to announce that I have received a letter which I am required to read to the House. Owing to the contents of the letter and the fact that this has not happened since 1951, I had occasion to look into the constitutional provisions and procedures relating to this matter. I must say that my investigation—which was indeed very short—disclosed a most unsatisfactory position which, I think, requires some legislative attention. The letter I received is dated the 10th April, 1970, and is addressed to me by Mr. J. Hall, the member for Albany. It reads as follows:—

> The Hon. H. N. Guthrie, M.L.A.,
> Speaker of the Legislative Assembly,
> Parliament House,
> PERTH. 6000
>
> Dear Sir,
>
> I hereby tender my resignation as member for Albany in the Legislative Assembly, to take effect from Monday, 13th April, 1970.
>
> Yours faithfully,
> J. HALL,
> MEMBER FOR ALBANY

I would now draw the attention of members to the provisions of section 25 of the Constitution Acts Amendment Act, 1899. That section is to be found on page 52 of the booklet entitled *Acts, Etc., Relating to Parliament*, and reads as follows:—

> 25. Any member of the Legislative Assembly may resign his seat therein, by writing under his hand, addressed to the Speaker, or if there be no Speaker, or if the Speaker is absent from the State, to the Governor, and upon the receipt of such resignation by the Speaker or the Governor, as the case may be, the seat of such member shall become vacant.

I think everybody would agree that that section is quite clear. The moment that the Speaker or the Governor—in this instance, as I was present, it would be me—receives such a letter the member's seat would become vacant if that section stood alone. Therefore I presume it is of some importance for the Speaker to announce it to the House when he receives such a letter.

I think I should explain that, in fact, I received two letters; one yesterday and one today. Unfortunately in the first letter written by Mr. Hall a slight error occurred and, as a result, a second letter was delivered to me this morning. Therefore I suppose I must treat the second letter as being the effective letter.

So it would seem to me, from section 25 of the Constitution Acts Amendment Act, that the resignation takes effect as at today. Members will notice that section 25 does not permit a member to state a day—whether it be prospective or retrospective—from whence he resigns. The resignation simply takes effect from the day the letter is received by the Speaker.

However, when we turn to section 67 of the Electoral Act—and this is on page 80 of the same booklet—we find a peculiar inconsistency. Subsection (1) of that section reads—

> 67. (1) Whenever a vacancy occurs in either House from any cause (otherwise than by effluxion of time in the case of a member of the Council), the President or Speaker, as the case may be, upon a resolution by the House declaring such vacancy and the cause thereof, shall by warrant under his hand, in the prescribed form, direct the Clerk of the Writs to issue a writ to supply the vacancy.

So members will see that I am not empowered to issue a warrant to the Clerk of the Writs unless there is a resolution of the House. Therefore we have a rather farcical situation; on the one hand the Constitution Acts Amendment Act declares that the member's seat is vacant, and, on the other hand, the House has the privilege of voting on a resolution. Of course, it must be remembered that if a resolution is moved and the House votes on that resolution, the House can reject it. I do not know what would be the situation if it did that.

However, it is of some interest to study the history of this particular section in the Electoral Act. As members know, the original Constitution Act was passed in the year 1889, and there was no provision at all made in that Act for a resolution of the House. It contained a provision very