Legislative Assembly

Thursday, the 23rd August, 1962

CONTENTS

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

QUESTIONS ON NOTICE

RAILWAYS DEPARTMENT CITY LAND

Tenants and Conditions of Tenure

1. Mr. D. G. MAY asked the Minister for Railways:

What are the names of tenants and conditions of tenure for the following:—

(a) Land corner Wellington and Pier Streets now being utilised as a parking lot.

(b) Land corner Wellington and William Streets now being used for a service station and parking lot.

(c) Conditions of tenure which had application when the firm of Verriers occupied the site referred to in question (a)?

Mr. COURT replied:

(a) Tenant—Centre Service Station.

Area—9086 square feet (land only).

Tenure—Lease issued for one year as from the 1st January, 1961 and continuing thereafter until determined by three months' notice in writing by either party.

(b) Tenant—Alan Charles Henson.

Area—31886 square feet (land only).

Tenure—The lease expired on the 30th June, 1962. Negotiations are now in hand to issue a further lease for a period of one year as from the 1st July, 1962 and continuing thereafter until determined by three months' notice in writing. Provided also that the lease may be determined by the commission within the period of one year on the same notice if required for railway or City of Perth improvements.

(c) Tenant—A. C. J. Verrier.

Area—9086 square feet including departmental building erected thereon.

Tenure—Seven years as from the 1st July, 1956 subject to termination at any time during the period by the commission if required for railway and/or City of Perth improvements. This was subsequently terminated by the commission on the 30th April, 1959.

ROAD VEHICLES

Regulations Governing Unnecessary Noise

2. Mr. BRADY asked the Minister for Transport:

(1) Are there any regulations to deal with noisy road vehicles in the metropolitan area?

(2) If not, will he have consideration given to framing regulations to stop vehicles when loaded or empty from creating unnecessary noise after 8 p.m. each evening?

Mr. CRAIG replied:

(1) Yes; and I quote regulation No. 60 (1)—

> Every motor vehicle shall be maintained in such condition and shall be so driven and used on a road that there shall not be emitted therefrom, any smoke, visible vapour, grit, sparks, ashes, cinders, oily substance or offensive noise or smell; the emission of which could be prevented or avoided by the taking of any reasonable steps or the exercise of reasonable care, or the emission of which might cause danger, damage, or annoyance to other persons or property, or endanger the safety of any other users of the road in consequence of any harmful content therein.

(2) Answered by No. (1).

DENTAL CLINIC

Establishment at Manjimup

3. Mr. ROWBERRY asked the Minister for Health:

(1) What are the conditions required before the establishment of a dental clinic in any centre?

(2) Will he have investigations made in the Manjimup area with the object of determining the need for a dental clinic in that area?

Mr. ROSS HUTCHINSON replied:

(1) and (2) The Government has decided that as a matter of policy priority should be given to the provision of mobile clinics which will serve the remote areas of the State where it is not economically possible for private dentists to practise.

KALAMUNDA HIGH SCHOOL

Provision of Sporting Facilities

4. Mr. DUNN asked the Minister for Education:

(1) Is he aware that the Kalamunda High School is expected to accommodate 600 pupils in 1963?

(2) Is he aware that there are no facilities for recreational and sporting activities available to the students?

(3) Is he aware that the Education Department has had the necessary land to provide these facilities under its control since prior to the commencement of the building of the high school?

(4) As the students cannot engage in any sporting practices and the inter-high school competitions, could he give an assurance that the urgent necessity for the provision of suitable playing fields will receive immediate attention?

Mr. LEWIS replied:

(1) The estimated enrolment for 1963 is 490. It is not expected to reach 600 until 1965.

(2) Yes, but quotations have been called for the sinking of a test bore for subterranean water. Should this work prove the existence of a suitable supply, grassed playing fields will be provided.

(3) Yes, but the type of terrain has presented a difficulty in playground development.

(4) See answers to Nos. (2) and (3).

WATER STORAGE

Plans for Waroona-Hamel District

5. Mr. RUNCIMAN asked the Minister for Works:

(1) Is he aware of the serious situation which occurred in the Waroona-Hamel Irrigation District last year?

(2) Are any plans being prepared to increase water storage in this district?

(3) Are there any other streams in the Waroona-Hamel district which could be harnessed for irrigation?

Mr. WILD replied:

(1) Yes.

(2) and (3) Investigations are being carried out and at the present stage indicate that McKnoe Brook has a small potential.

PARLIAMENT HOUSE ENVIRONS

Building Control Legislation

6. Mr. GRAHAM asked the Premier:

Is it intended this session to introduce legislation for the purpose of controlling the nature of constructions and development in instances such as the environs of Parliament House?

Mr. BRAND replied:

This matter is still subject to investigations being made by the Town Planning Department. When this report is received, the honourable member will be advised.

KEY WEST PROJECT

Tabling of Plans and Other Data

7. Mr. GRAHAM asked the Minister representing the Minister for Town Planning:

(1) Will he lay on the Table of the House current plans for the development of the South Perth foreshore, usually referred to as the Key West project?

(2) Will he also provide any other data which might assist members in obtaining a full appreciation of the proposals?

Mr. LEWIS replied:

(1) South Perth Town Planning Scheme No. 1 for the zoning of the South Perth foreshore was given preliminary approval on the 31st May, 1962 and duly advertised for three months. This includes the Key West area. Final approval was granted on the 28th June, 1962 and the scheme was gazetted on the 6th July, 1962. Plans and ordinance of the scheme are available for inspection at the offices of the City of South Perth and the Town Planning Department.

(2) The details of the development of the Key West project are for determination by the company and the South Perth Council. The area of the foreshore itself is a proposed reservation in the metropolitan region scheme and within the area prescribed by the interim development order, approval by the Metropolitan Region Planning Authority would be required before any development is carried out.

FLUORESCENT LIGHTS

Installation in Walter Road

8. Mr. BRADY asked the Minister for Electricity:

(1) Is the S.E.C. planning to place fluorescent lights along Walter Road from Morley Park to Eden Hill?

(2) If plans are being prepared, when is the work likely to take place?

Mr. NALDER replied:

(1) No.

(2) See No. (1).

MENTAL PATIENTS

Establishment of Institution at Guildford

9. Mr. BRADY asked the Minister for Health:

(1) Have the proposed new buildings for an institution for mental cases at Guildford been abandoned?

(2) If not, when will the project proceed and what is the nature of the project?

Mr. ROSS HUTCHINSON replied:

(1) No, but original planning has had to be completely revised in view of the rapid changes in attitudes to the care and treatment of the mentally ill over the past few years.

(2) Preliminary detail has been prepared in respect of a new mental deficiency unit at Guildford and this has been forwarded to the Principal Architect. The plan envisages accommodation for 160 children of both sexes and a day attendance centre for day care and training of a further 60 retarded children. It is hoped that this work will commence this financial year.

KUNUNURRA MEDICAL FACILITIES

Provision of Ambulance

10A. Mr. RHATIGAN asked the Minister for Health:

(1) Is it a fact that there is no ambulance or any other facility stationed at Kununurra for the conveyance of sick or injured people to the Wyndham Hospital?

(2) If the answer is "Yes," will he take immediate action to have a properly-equipped ambulance stationed at Kununurra?

(3) Is it a fact that recently an injured worker at Kununurra had to wait some hours before transport was available to convey him to Wyndham for medical attention?

Provision of Hospital and First-aid Post

(4) Is it the intention of the Government to build a hospital at Kununurra?

(5) Pending the provision of a hospital at Kununurra and because of the lack of medical facilities, will he take immediate action to provide a well-equipped first-aid post and first-aid attendants?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) This is being considered.

(3) I have no knowledge of this incident.

(4) and (5) It is not intended to build a hospital at Kununurra in the near future, but the Government and the Australian Inland Mission are sharing the cost of building a nursing post which will provide adequate treatment facilities, including two emergency beds. The nursing post will be staffed by the Australian Inland Mission.

DOCTORS IN KIMBERLEY DISTRICT

Additional Appointments

10B. Mr. RHATIGAN asked the Minister for Health:

Further to my question asked earlier this session, has he as yet had any success in securing additional doctors for the Kimberleys?

Mr. ROSS HUTCHINSON replied:

Advertisements have resulted in a disappointing response so far, but efforts to obtain medical practitioners for the north are continuing.

MANUFACTURING ENTERPRISES

Number of Employees

11. Mr. HAWKE asked the Minister for Labour:

What was the highest number of employees at any time during the last five years in each of the following closed or to be closed down manufacturing enterprises:—

(a) Michelides Ltd., Perth.

(b) Rosenstamm's (West Perth) Tannery.

(c) Pearse Footwear Factory, North Fremantle.

(d) Glenford Clothing Factory, Subiaco?

Mr. WILD replied:

This information is not available from official sources.

NORTH-WEST PROJECTS

Inspections by Parliamentarians

12. Mr. H. MAY asked the Premier:

(1) Does he agree that members of both Houses of Parliament should be taken to the north-west, in order that they may see and appreciate the various projects being undertaken by the State Government at the present time?

(2) If he does agree, will he arrange for the visit to take place as soon as possible after the present session of Parliament is concluded?

Mr. BRAND replied:

(1) and (2) Whilst it would be a good thing if all honourable members could undertake a comprehensive conducted visit to the north-west and the Kimberleys, such an undertaking is not thought practicable at this juncture.

Several proposals have been considered involving land, sea, and air travel, but have had to be rejected for various reasons.

Members enjoy travel privileges on State ships and some have used these to visit the north, but it is realised that many have not seen the area.

The matter will be further examined, but I cannot see any immediate prospect of large-scale organised parliamentary visits involving all members.

ORTHODONTIA SPECIALISTS

Visits to Country Areas

13. Mr. HALL asked the Minister for Health:

As the matter has been raised in the House on several occasions and as it affects so many country people, can he advise if any progress has been made in getting periodical visits to country areas of orthodontia specialists?

Mr. ROSS HUTCHINSON replied:

The Perth Dental Hospital did inaugurate such a scheme recently, but owing to the resignation of the orthodontist who was specifically engaged to provide these treatments, the service has temporarily been discontinued. However, efforts are being made by the dental hospital to ensure its renewal in 1963.

SPANISH MIGRANTS

Number Camped at Northam

14. Mr. HALL asked the Minister for Immigration:

(1) How many Spanish migrants are camped at Northam, W.A.?

Trade Classifications

(2) How many of these Spanish migrants are tradesmen, and where is it intended to send them to work?

(3) Are these migrants now camped at Northam, part of the drive to bring tradesmen to this State from overseas?

Mr. BOVELL replied:

(1) to (3) As the Holden Migrant Centre at Northam is under the control of the Commonwealth Government, information of this nature is not recorded by the State Immigration Department.

ILMENITE

Ports of Shipment, and Number of Vessels and Tonnages Carried

15. Mr. HALL asked the Minister for Industrial Development:

(1) From what ports in this State were ilmenite sands shipped for the years 1958-59, 1959-60, 1960-61, 1961-62?

(2) How many ships called at the respective ports for cargoes of mineral sands, and what was the average tonnage taken by ships?

Mr. COURT replied:

I think these questions might have been more properly handled by the Minister in charge of the Harbour and Light Department, but the answers are as follows:—

(1) All bulk shipments of ilmenite sands are made from Bunbury. Some small bagged parcels for trial purposes are known to have been shipped from Fremantle in a previous year but details are not available.

(2) 1958-59—24 vessels at Bunbury—3,074 tons.

1959-60—33 vessels at Bunbury—2,611 tons.

1960-61—42 vessels at Bunbury—3,258 tons.

1961-62—44 vessels at Bunbury—4,447 tons.

Vessels may not have specifically called for sands only but may have been attracted for other cargoes and lifted sands simultaneously with discharge or loading of other cargoes.

Cheyne Beach Deposits: Leases

16. Mr. HALL asked the Minister representing the Minister for Mines:

(1) Who are the holders of leases for ilmenite deposits in the Cheyne Beach area, Albany, W.A.?

(2) Were the leases as mentioned under exemption, and if so, when did such exemption expire?

(3) Have the leases been worked in any way since P. R. Jackson, F. A. Moore and Hancock took over same from this State? If so, what tonnages have been mined?

Tonnages Exported and Export Earnings

(4) What tonnages of ilmenite were exported from this State overseas, and interstate for the years 1958-59, 1959-60, 1960-61, 1961-62?

(5) What were the earnings to this State from ilmenite sands exported overseas and interstate for the respective years?

Average Price

(6) What is the average price now being received, per ton, for mineral sands, overseas and interstate?

Mr. BOVELL replied:

(1) Messrs. Hancock Prospecting Pty. Ltd., Frank Albert Moore, and Phillip Robert Jackson hold Dredging Claims 49H, 50H and 59H.

(2) Last exemption expired on the 12th July, 1960.

(3) Holders have reported extensive examinations of areas and tests, and an expenditure of £17,000 in regard to same. No production is recorded.

(4) The department works on a calendar year basis, and production of ilmenite concentrates reported was as follows:—

	Tons
1958	89,926
1959	73,628
1960	114,662
1961	123,538
1962 to the 30th June	69,868

(5) Estimated f.o.b. value reported—

	£
1958	448,218
1959	353,076
1960	485,562
1961	557,889
1962 to the 30th June	303,196

(6) Averaged value realised for ilmenite concentrates f.o.b.:—

	£ per Ton
1961	4.515
1962 to the 30th June	4.339

ILL-HEALTH IN METROPOLITAN AREA

Isolation of Virus

17. Mr. JAMIESON asked the Minister for Health:

(1) Have local health research officers been able to isolate the virus causing so much distress and ill-health to the metropolitan area populace?

(2) Is this particular virus commonly known to medical science?

(3) Is this virus closely related to any other known viruses?

Mr. ROSS HUTCHINSON replied:

(1) to (3) The exact ailment referred to is not quite clear. None of the notifiable or more serious diseases have been unduly prevalent in recent months. But casual reports suggest that an unusual illness was prevalent in Perth in June and July. Specimens from some of these patients have revealed the presence of a virus belonging to a group of viruses well known to medical science. The precise type of virus isolated (Coxsackie B.5) has been unusual for Perth, causing a variety of symptoms.

For the information of members, I believe that Coxsackie is a village or suburb in New York State. There are no specific methods of prevention, but indications are that this particular infection is subsiding.

TUNA FISHING PROSPECTS

Survey in Shark Bay Area: Commonwealth Assistance

18. Mr. NORTON asked the Minister for Fisheries:

(1) Has he read the report on the prospects of tuna fishing in the Shark Bay waters, published in *The West Australian* on the 22nd August?

(2) In view of this encouraging report, will he again make a personal approach to the Minister controlling the Fisheries Trust Fund to have money made available for a tuna survey in Shark Bay area and waters further north?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) The whole question of tuna investigations is at present receiving consideration on a State level. The Premier is also interested in this matter and has had discussions with the Premier of South Australia on tuna fishing methods adopted in that State. I have also listed this matter for discussion with the Commonwealth Minister for Primary Industry at a conference of Commonwealth and State Fisheries Ministers to be held in Sydney in September.

GASCOYNE RESEARCH STATION

Appointment of Agricultural Adviser

19. Mr. NORTON asked the Minister for Agriculture:

(1) Is it the intention of his department to appoint an agricultural adviser to the Gascoyne Research Station to assist pastoralists?

(2) If so, when will the appointment be made?

Mr. NALDER replied:

(1) The department plans to appoint several advisers for the pastoral areas.

(2) Because of the difficulty of obtaining suitable personnel, no firm date of appointment can be forecast for any region.

VICTORIA PARK TRAFFIC OFFICE

Vehicle Examiners: Provision of Inspection Facilities

20. Mr. DAVIES asked the Minister for Police:

(1) Is he aware that inspections of vehicles at the Victoria Park Traffic Office are made in the street for lack of suitable accommodation and that these inspections involve the police examiners crawling beneath vehicles on public roadways in all kinds of weather?

(2) When will arrangements be made to provide suitable accommodation for examiners and proper and adequate inspection facilities at the Victoria Park Police Traffic Office?

Mr. CRAIG replied:

(1) Yes.

(2) Plans for bituminising the vacant area alongside the office and erection of examination facilities have been completed by the Public Works Department, but no funds are available until further allocation is made from Commonwealth Loan Works.

The Perth City Council has been requested on numerous occasions to complete paving of verges but no action has been taken to date.

PENSIONERS' FARES

M.T.T. Bus Concessions

21. Mr. DAVIES asked the Minister for Railways:

(1) Is he aware that pensioners' concession fares apply on M.T.T. buses from 9 a.m. instead of 9.30 a.m. as was previously the case?

Railway Concessions

(2) For the sake of uniformity, will he make similar conditions applicable to pensioner concession travel on Government railways?

Mr. COURT replied:

(1) Yes.

(2) Yes. The additional concession which was approved last week will apply from Monday, the 27th August.

22. *This question was postponed.*

MANJIMUP HIGH SCHOOL

Estimated Total Cost

23. Mr. ROWBERRY asked the Minister for Works:

What is the estimated total cost of the Manjimup High School in detail, viz.—

levelling site;
building costs;
preparing recreational or sporting facilities?

Mr. WILD replied:

	£
Levelling site	300
Building cost	112,166
Grounds (recreation and sporting facilities)	5,828
	£118,294

TUBERCULOSIS-INFECTED CATTLE

Compensation for Destruction

24. Mr. ROWBERRY asked the Minister for Agriculture:

(1) In the event of a pedigreed bull developing tuberculosis, after purchase in the Capel district and transference to Manjimup, what compensation would be payable to the owner on the animal being destroyed?

(2) As the value of a pedigreed bull is generally much more than ordinary cattle, is any provision made for this?

Sale and Transfer to Other Districts

(3) What steps are taken at present to prevent the sale and transference of infected cattle from one district to another?

(4) If no steps are taken at present, will he undertake to rectify this position?

Mr. NALDER replied:

(1) In the case of a pedigree dairy bull, provided the animal was found to be either a clinical case of tuberculosis or a positive reactor to the tuberculin test by an approved veterinary surgeon

and subsequently destroyed on the order of the Chief Veterinary Surgeon, compensation would be paid to the owner under either the Milk Act or the Dairy Cattle Industry Compensation Act, whichever is appropriate, up to a maximum of £35. Animals kept for beef production are not eligible for compensation.

(2) There is no provision for higher payment for pedigree animals.

(3) Once tuberculosis has been diagnosed in an animal, an order is issued for its destruction at an approved abattoir so that it cannot be transferred to another district.

(4) Because of the large-scale testing of dairy cattle under both the Milk Act and Dairy Cattle Industry Compensation Act, the incidence of tuberculosis has been reduced to a low level and the possibility of the spread of the disease by means of infected cattle is very limited.

COPPER ORE

Increased Production

25. Mr. KELLY asked the Minister for Agriculture:

In view of his statement in reply to a question asked on the 10th August, 1961, that copper ore producers will be given the opportunity to develop mines in order to increase production for use in agriculture, will he now advise the House what steps were taken and what result has been achieved?

Mr. NALDER replied:

Last season the fertiliser companies concerned agreed to pay an extra 5s. per unit of copper for copper ores to provide funds for development. It is not known, as yet, to what extent the extra money has been used for the purposes intended or with what result.

In addition, technical assistance has provided a means for upgrading ores prior to transport. In certain cases, financial assistance was made available.

TUNA FISHING PROSPECTS

Survey in W.A. Coastal Waters: Commonwealth Assistance

26. Mr. FLETCHER asked the Minister for Fisheries:

(1) Is he aware of a report in *The West Australian* of the 22nd instant regarding a tuna fishing survey trip undertaken by the fishing vessel *Atlantic Ocean?*

(2) As the skipper stated that the trip was expensive, and at personal expense, will he endeavour to obtain finance from the Commonwealth Fisheries Research Trust Fund to assist other fishing craft to investigate the tuna fishing prospects on the W.A. coast?

Mr. ROSS HUTCHINSON replied:

The answer to this question is the same as that given to No. 18, namely—

(1) Yes.

(2) The whole question of tuna investigations is at present receiving consideration on a State level. The Premier is also interested in this matter and has had discussions with the Premier of South Australia on tuna fishing methods adopted in that State.

I have also listed this matter for discussion with the Commonwealth Minister for Primary Industry at a conference of Commonwealth and State Fisheries Ministers to be held in Sydney in September.

27. *This question was postponed.*

IRON ORE DEPOSITS

Tonnages Between 20th and 26th Parallels

28. Mr. BICKERTON asked the Minister representing the Minister for Mines:

(1) What were the approximate tonnages contained in the known iron ore deposits in W.A., situated between the 20th and 26th parallels prior to 1959?

(2) What are the approximate tonnages known to exist in the same area, and as at this date?

(3) If there is an increase in tonnages of known deposits as at this date—

(a) in what locations do they occur and what are the individual tonnages involved in each location;

(b) who was responsible for locating each individual area of deposit?

Holders of Leases Between 20th and 26th Parallels

(4) Who are the holders of prospecting reserves or leases in the areas between the 20th and 26th parallels?

(5) What is the extent of their individual holdings?

(6) What were the dates on which their applications were lodged?

Exports: Date of Approval

(7) On what date did the Commonwealth consent to allow certain export of iron ore from W.A.?

Mr. BOVELL replied:

(1) Information available at this date is shown in Geological Survey Bulletin No. 7, which is tabled.

(2) No reliable estimate of tonnages located since active search started is available. Undoubtedly, very much larger tonnages than previously recorded exist, and the very active exploration being undertaken by reserve holders is likely to show the existence of even more deposits.

(3) (a) Iron deposits exist on most of the temporary reserves granted in the area indicated.

(b) As far as is known the holders of the temporary reserves.

(4) and (5) Plan with list showing temporary reserves in existence, areas, and names of holders is tabled.

(6) Applications for temporay reserves were invited publicly on two occasions. In the first instance, applications closed on the 15th May, 1961, and, in the second, on the 30th September, 1961. The Goldsworthy area was granted following the calling of tenders for the development of same.

(7) The 2nd December, 1960.

Geological Survey Bulletin No. 7 and plan of temporary reserves were tabled.

RAILWAY FACILITIES AT SPEDDINGUP

Provision of Loop Line and Loading Ramp

29. Mr. MOIR asked the Minister for Railways:

Is he now able to advise me further on my previous representations to him on the advisability of providing a loop line and loading ramp at Speddingup for farmers in that area?

Mr. COURT replied:

A decision cannot be made until it is possible to evaluate more accurately the local effects on rail and road transport of the production of superphosphate at Esperance, grain facilities, land-backed wharf and other possible developments. Research to date does not favour the provision of loading loop and ramp at a cost of approximately £2,000. I have asked the department to endeavour to expedite an appraisal of the possibilities and make a recommendation.

TRAFFIC FLOW

Position at Midland

30. Mr. BRADY asked the Minister for Police:

(1) Are any plans in hand for improving the flow of traffic through Midland (particularly near the Town Hall) during early mornings and evenings?

(2) Will he give some indication what is contemplated to improve the traffic flow?

Mr. CRAIG replied:

(1) and (2) The situation is being investigated.

QUESTIONS WITHOUT NOTICE

MINERAL CLAIMS

Decision on Application for No. 292

1. Mr. TONKIN asked the Minister for Lands:

(1) Did he not assure the House more than once last week that: "No decision whatsoever had yet been made by the Minister for Mines in regard to the application for mineral claim No. 292"?

(2) Did he not also say (*Hansard*, No. 4, p. 540): "After obtaining such information as would assist him he came to a fair and proper decision"?

(3) Is not this so-called "fair and proper decision" the one to which a motion on the notice paper refers?

Mr. BOVELL replied:

This question without notice was only brought to my attention as I entered the Chamber this afternoon. I do not intend to answer it straightaway. If the Deputy Leader of the Opposition wishes to persist with it he might place it on the notice paper.

IRON ORE: MT. GOLDSWORTHY DEPOSITS

Tabling of Plan

2. Mr. BOVELL (Minister for Lands): The member for Pilbara asked me a question on the 21st August, without notice. The reply is as follows:—

Copy of Plan "A" referred to in the Goldsworthy Iron Ore Agreement is tabled. Under clause 5 of such agreement the Joint Venturers agree to construct railways and roads along routes "to be mutually agreed between the parties hereto." Until the Joint Venturers complete their examinations and survey—which

work is proceeding—the routes and locations of railways, roads, wharf, etc., will not be decided.

The plan was tabled.

FIRST-AID POST AT DWELLINGUP

Appointment of Nursing Sister

3. Mr. RUNCIMAN asked the Minister for Health:

Has a nursing sister been appointed to the first-aid post at Dwellingup; and, if so, when will she take up her duties?

Mr. ROSS HUTCHINSON replied:

I thank the honourable member for having given me some notice of this question. The successful applicant has been advised by letter of her appointment and her acceptance is awaited. Subject to her acceptance the sister should take up her duties at Dwellingup about mid-September, 1962.

BILLS (4): INTRODUCTION AND FIRST READING

1. Painters' Registration Act Amendment Bill.

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

2. Metropolitan Water Supply, Sewerage and Drainage Act Amendment Bill.

3. Water Supply, Sewerage and Drainage Act Amendment Bill.

Bills introduced, on motions by Mr. Wild (Minister for Water Supplies), and read a first time.

4. Stamp Act Amendment Bill.

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

ASSOCIATIONS INCORPORATION ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [2.44 p.m.]: I move—

That the Bill be now read a second time.

This Bill is a very small one. It is No. 9 on the file, and has come to this Chamber from the Legislative Council.

Under the existing provisions of the Act affidavits which are required to be filed at the Companies Office can be sworn before a justice of the peace only. This restriction causes a considerable amount of inconvenience both to the preparers of the documents and their clients; that is, to the legal practitioner and his client.

The purpose of this Bill is to enable such affidavits to be sworn before a commissioner for affidavits, in addition to a justice of the peace. It is felt there should be no exception to this extension, should a commissioner for affidavits be given this power, because the present rule that a principal in the firm responsible for the preparation of the draft affidavit ought not to take the oath still applies, and the deponent would still need to seek out either a justice of the peace or an independent commissioner for affidavits.

Mr. J. Hegney: Is a commissioner for declarations competent to take affidavits?

Mr. COURT: I should not think so. This Act expressly provides for justices of the peace, and under the Bill the authority is being extended to commissioners for affidavits. The amendment in the Bill is a desirable one, to facilitate the conduct of legal business. I can only imagine that when the original legislation was passed the existing provision was inserted as an oversight, and it has caused inconvenience in administering the main Statute.

Debate adjourned, on motion by Mr. Evans.

LAW REFORM (STATUTE OF FRAUDS) BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [2.47 p.m.]: I move—

That the Bill be now read a second time.

In introducing this Bill it is necessary to give a brief history of the principal Act, the Statute of Frauds, which is an English Act which was passed in 1677 and which became applicable to Western Australia in 1829.

The history and policy of the Statute show that at the time of its passing there was considerable difficulty in finding the facts in a common law action. Not only were juries entitled to decide upon their own knowledge and apart from evidence, but no proper control could be exercised over their verdicts.

Moreover, until the middle of the 19th century, a ludicrous rule of the common law forbade any person to testify in any proceeding in which he was an interested party, and the party to a contract might have to suffer in silence the ignorance or wanton misconstruction of facts which they alone could have set in a proper light.

The confusion attending the rapid succession of the civil war, Cromwellian dictatorship and restoration had encouraged unscrupulous litigants to pursue false or

groundless claims with the help of manufactured evidence. The Statute, therefore, avowed as its object the "prevention of many fraudulent practices which are commonly endeavoured to be upheld by perjury and subornation of perjury."

Section 4 of the Act provided that in the case of the following agreements no action should be brought unless the agreement or some memorandum or note thereof is in writing and signed by the party to be charged therewith or some other person thereunto by him lawfully authorised—

(a) whereby to charge any executor or administrator upon any special promise to answer damages out of his own estate;

(b) whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person, that is, on a guarantee;

(c) to charge any person upon an agreement made upon consideration of marriage;

(d) upon any contract or sale of lands, tenements or heriditaments or any interest in or concerning them;

(e) upon any agreement that is not to be performed within the space of one year from the making thereof.

Unfortunately the Statute was badly drafted and over the years has been subject to criticism. In 1925 the Imperial Parliament repealed the provision in section 4 governing contracts for the sale of interest in land and re-enacted the same with slight modifications by section 40 of the Law of Property Act, 1925.

In 1954, following proposals by the Law Revision Committee of England, section 4 of the Statute of Frauds (England) was repealed except so far as it concerned "any special promise to answer for the debt, default or miscarriage of another person."

Conditions have changed over the years, and it is considered that the provisions of section 4 of the Statute of Frauds, in so far as they apply to this State, could well be brought into line with those now prevailing in England on the grounds that, firstly, the reasons for the passing of the Act in 1677 no longer obtain at the present time.

Mr. Hawke: Hard to believe!

Mr. COURT: Any particular parties may themselves give evidence notwithstanding their interest in proceedings. Secondly, in nearly all civil actions the facts are ascertained by a judge or magistrate and not by a jury; thirdly, judges and writers for over a century have been urging the repeal of the provisions now objected to; and, fourthly, uniformity with England in regard to this section is desirable.

The Law Reform Committee of the Law Society of Western Australia recommended the repeal of section 4 of the Statute of Frauds in so far as it relates to, firstly, any special promise by an executor or administrator to answer damages out of his own estate; secondly, to charge any person upon an agreement made upon consideration of marriage; and, thirdly, upon any agreement that is not to be performed within the space of one year from the making thereof.

This Bill proposes to give effect to the Law Society's recommendations and will enable actions to be brought in respect of the agreements which are mentioned in clause 2 of the Bill and which I have just mentioned, notwithstanding that such agreements are not evidenced by writing signed by the party to be charged or his agent.

Debate adjourned, on motion by Mr. Evans.

LOTTERIES (CONTROL) ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [2.55 p.m.]: I move—

That the Bill be now read a second time.

This short and simple Bill is designed to validate two existing practices which have been in operation in our Lotteries Commission for quite a number of years. The first amendment concerns the procedure adopted in relation to lost prize-winning lottery tickets.

All members are no doubt aware that if they have lost or mislaid prize-winning lotteries tickets they are able to collect the prizes concerned by completing a statutory declaration. This has been the practice for some considerable time, but the Auditor-General has drawn attention to the fact that the commission does not have the legal authority to pay prizes unless the prize-winning ticket is actually produced.

The practice to be adopted with the passing of this legislation will validate the existing procedure, and will bring Western Australia into line with the other States of Australia that conduct State lotteries.

The second amendment relates to the issue of permits by the commission to any religious body or charitable organisation to conduct any guessing competition, raffle, or art union in connection with a bazaar or fair proposed to be held by such

body, the holding of which guessing competition, etc., must be under such terms and conditions as the commission sees fit to impose. These permits are referred to as "one-day raffles" and a condition of their issue is that the competition, or whatever it might be, must be finalised on the one day at a properly-organised function; and the sale of the tickets must be confined to where the function is being held.

There is no provision for the issue of such permits to other public organisations such as the various sporting bodies, parents and citizens' associations, young women's christian associations, country women's associations, and the like, although the commission has actually been issuing permits to these organisations to which I have referred for a number of years. I feel the amendment is desirable, and it will validate this procedure.

Debate adjourned, on motion by Mr. J. Hegney.

PHARMACY AND POISONS ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [2.58 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill is to substitute for the apprenticeship system of training for chemists a system whereby a three-year academic course of training will have to be undertaken by students at a technical college or a college that might be referred to as an institute of technology.

This three-year course will be followed by one year of practical training in a pharmacy under a qualified pharmacist. The States of Queensland, New South Wales, and Victoria have already changed to this new system of training of pharmacists, and I understand that South Australia and Tasmania are currently considering a changeover.

Great Britain some years ago abolished the apprenticeship system, and this country's counterpart of the Pharmaceutical Council of Western Australia has requested the council, as well as having requested all British Commonwealth countries, to act similarly as early as possible.

The reasons for this request are that the proposed new system is desirable because it is a more modern and efficient means of training; and it is necessary, in order that reciprocity may be observed between the member countries of the British Commonwealth of Nations; and of course it will mean that we will maintain a standard that is comparable and expected elsewhere.

So it would appear that a continuance of the present apprenticeship system beyond a reasonable time could lead to Western Australian pharmacists becoming ineligible for registration in Britain and in other States of Australia which have already taken this step. I firmly believe that this step will be taken by the remaining States before very long.

Another reason for the presentation of this legislation is that in this present age a broad academic basis of knowledge is required to keep abreast of the ever-increasing range of new synthetic drugs, and the pharmacists have a very close relationship with the medical profession and members of the public. They are, in effect, the most important liaison group quite apart from their professional standing.

Besides this, the number of hours available for systematic study under the apprenticeship system is too limited to meet today's study requirements or needs. The time allotted for apprentices is three half-days a week at the Perth Technical College. I point out, too, that under the new system of academic training, a fairly large number of Commonwealth scholarships will become available to students who take the pharmacy course.

Mr. H. May: Is that the only help they get?

Mr. ROSS HUTCHINSON: No; I have already mentioned some of the help.

Mr. H. May: Someone is knocking outside, and I cannot hear.

Mr. ROSS HUTCHINSON: At present no Commonwealth scholarships can be granted. I would like to point out that provision is made in the Bill for the apprenticeship system to be tapered off, and that apprentiecs still under training at the date of the proclamation of the Bill will be able to complete their indentures and receive registration provided their training is completed before the 31st December, 1968. So up to this period the two systems will run concurrently although, as I have already mentioned, the apprenticeship system and the number of apprentices will taper off with the passing of the years.

This Bill will ensure that Western Australia will keep abreast of development in this professional training sphere with other countries and States and, indeed, bring the pharmaceutical profession into line in this respect with the system of training which applies to doctors, dentists, optometrists, physiotherapists, and the like.

Debate adjourned, on motion by Mr. H. May.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

MR. WILD (Dale—Minister for Works) [3.5 p.m.]: I move—

That the Bill be now read a second time.

Members will recall that last session a Bill was introduced to amend the Marine Act to give power to the Harbour and Light Department to issue licenses and control craft using the Swan River and any area defined by the Bill. This measure was not proceeded with after the second reading, owing to the strong representations made by certain users of the river.

Since then a committee has been formed comprising representatives of the Swan River Conservation Board, the Aquatic Council, local governing authorities adjacent to the river, and the Harbour and Light Department. After a number of meetings and much investigation, this committee has now recommended that the Western Australian Marine Act be amended by giving the Minister power to make regulations for the registration and control of craft using the river. It is felt that any regulation thought necessary by this advisory committee can be promulgated as and when it is considered appropriate to do so.

This matter of registration of small craft is giving concern in all States in the Commonwealth, and the Australian Port Authorities Association is urging all States to take legislative action. It is not intended that fees for registration will be heavy or be a means of producing revenue, but that they should be only nominal. It may be possible that the fees obtained can be returned to the various waterways in the way of assistance to the users of such waterways.

To give effect to the committee's recommendation it is intended to amend the Marine Act by adding to subsection (1) of section 207 a further paragraph along the following lines:—

> for the registration of any or of any class of pleasure boat, limited in application to time, place or circumstance.

In addition to this amendment to the Act it is desired to amend section 16 to overcome an irregularity which the Crown Law Department considers exists in connection with the licensing of mooring areas by the Harbour and Light Department.

Since the inception of the Jetties Act, 1926, the Harbour and Light Department has issued to yacht clubs and similar organisations licenses in respect of mooring areas in navigable areas. The Crown Law Department now is of the opinion that there is no power under any Act to confer by license or otherwise a private right to the exclusive use of a particular area for mooring purposes. The inclusion of a new section 16 (a) is to grant this power.

The amendment to subsection (2) of section 207 is to make it clear that notices published by the department have the force of law.

Debate adjourned, on motion by Mr. Kelly.

PILOTS' LIMITATION OF LIABILITY BILL

Second Reading

MR. WILD (Dale—Minister for Works) [3.10 p.m.]: I move—

That the Bill be now read a second time.

At the present time pilots in this State have no protection under State or Commonwealth law in respect of personal liability arising from accidents in which ships under their control may be involved.

At the 16th Conference of the Australian Port Authorities held in 1959 all States pilotage authorities were urged to seek the amendment of the relevant State Acts to bring them into conformity with the terms of the old section 350 (1) of the Commonwealth Navigation Act relating to claims against pilots arising from incidents occurring in the course of their duties.

Inquiries revealed that all States in Australia with the exception of New South Wales and Western Australia have conformed to this recommendation. The matter is now before the New South Wales Cabinet.

The purpose of the amending legislation is to protect the pilots beyond the amount of £100, and it is intended that the legislation in this State should be in accordance with the Victorian Act which reads—

> No pilot shall be liable for neglect or want of skill beyond the amount of £100 and the amount of pilotage payable to him in respect of the voyage on which he is engaged.

It will be noted that this Bill makes provision for binding the Crown as, if the Crown is not bound by this Statute, a pilot, say, for the State Shipping Service, or one who damages any Crown property, which is most likely with the harbours administered by Crown authorities, may find that the limit of his liability proposed by this Bill is limited in name only.

Debate adjourned, on motion by Mr. Kelly.

AMENDMENTS INCORPORATION ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [3.13 p.m.]: I move—

That the Bill be now read a second time.

As members probably know, it has been found necessary from time to time to reprint certain Acts owing to printed copies being unavailable, or owing to the number of amendments made over the years.

To date 15 volumes of reprinted Acts have been issued. Some Acts have been reprinted several times; some, such as the Traffic, Health, and Administration Acts, have been reprinted no fewer than three times.

The main purpose of this Bill is to authorise a direct or indirect amendment of an Act which is brought about by subsidiary legislation—for example, proclamations, rules, regulations etc.—being included in the reprint made under the Amendments Incorporation Act, 1938.

Some Acts empower the Governor or other persons to alter schedules to Acts or to amend the Interpretations of Acts, etc., by proclamation or Order in Council. As the principal Act now stands, only the direct amendments referred to in section 3 of the principal Act—that is, amendments effected by—

(a) The repeal or omission of any words; or

(b) The substitution of any words in lieu of any words repealed or omitted; or

(c) The insertion or addition of any words—

can be included in the reprint. This is not considered wide enough to adequately and properly reprint an Act.

Also, a number of Acts have been introduced to ratify agreements. In an agreement which is approved by Parliament there is often a power for the parties to amend the agreement. This is often done, and sometimes an agreement is amended several times; but when it comes to reprinting an Act to bring the agreement up to date, as the Amendments Incorporation Act now stands this cannot be done.

The Bill also seeks to amend section 6 of the principal Act, which states in effect that a reprinted Act "shall be deemed for all purposes to be an Act of the Parliament of Western Australia." This could cause some confusion and trouble when a reprinted Act is incorrect. Unfortunately sometimes through printer's errors or mistakes otherwise occurring therein, there have been errors in reprints. Under the proposed amendment a reprint will merely be deemed to be *prima facie* a correct copy of the Act including all amendments which in the printed Bill are expressed to be included therein, without any further proof.

I think the amendment proposed is a desirable one so as to facilitate the reprinting of Acts and to ensure that they are complete; and to make it easier for those who have to study the Statutes.

Debate adjourned, on motion by Mr. Jamieson.

REPRINTING OF ACTS AUTHORISATION ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [3.17 p.m.]: I move—

That the Bill be now read a second time.

This very short Bill is complementary to the Bill to amend the Amendments Incorporation Act, which has already been explained to the House. It seeks to amend the section of the Act dealing with judicial recognition to be given to reprinted Acts.

Unfortunately, but rarely, errors or mistakes do occur in reprints, due to typographical errors in the first place or printer's errors which the checkers may fail to pick up.

Section 4 of the principal Act provides that "Any Act reprinted pursuant to this Act shall, in all courts and by all tribunals, bodies and persons be judicially noticed and deemed for all purposes to be an Act of the Parliament of Western Australia."

This section, in its terms, could cause some difficulty and confusion when a reprinted Act is incorrect, and the purpose of this Bill is to amend that section to prevent any such difficulty or confusion by stating that the reprinted Act is "*prima facie* deemed to be a correct copy of the Act of which it purports to be a reprint."

This Bill follows logically upon the one I previously explained.

Debate adjourned, on motion by Mr. Jamieson.

BUILDING SOCIETIES ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [3.19 p.m.]: I move—

That the Bill be now read a second time.

This simple machinery Bill is aimed at rectifying some omissions which occurred when amendments to the Act were passed during last session.

The first amendment is designed to make provision for the addition of a fifth schedule to the Act which was omitted last year. Section 5, subsection (5), makes it possible for the cancellation of registration of building societies not commencing business within six months. Upon cancellation of registration it is necessary for the registrar to notify in the *Gazette* in the form or to the effect of the fifth schedule which, through the omission, does not exist. This amendment rectifies the omission.

The second amendment corrects the misspelling of the word "within" in section 5, subsection (5); and the third amendment substitutes the word "order" for the word "award" in section 39, subsection (2).

When the amending Bill was receiving the consideration of Parliament last session the word "order" was substituted for the word "award" in the first line of the proviso to subsection (2) of section 39, but the need for a similar substitution in the last line of the provision was overlooked. This amendment will correct that fault.

Debate adjourned, on motion by Mr. Toms.

HEALTH ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (*Cottesloe*—Minister for Health) [3.20 p.m.]: I move—

> That the Bill be now read a second time.

The Health Act is one which is usually amended in some form or other each year and this year is no exception to the rule. The Bill before the House at the present time seeks to amend the parent Act in five particulars. The first amendment concerns the necessity for regulations to cover the construction of swimming pools.

An increasing number of swimming pools is becoming available for public use and the fact that the pool is an enclosed body of water, in which large groups of people bathe, makes it a potential hazard of some health significance; that is, public health significance. If proper measures are not taken to keep the water in a wholesome condition it soon gives rise to what could be a heavy growth of bacteria. Frequently this bacteria includes types harmful to humans. The problem has caused some concern overseas, and the means of treating swimming pools in regard to health protection measures are well understood and are readily available to the public.

The amendment proposes to authorise by-laws to be made so that where a pool is not maintained in a safe condition the public health authority will be empowered to insist upon essential maintenence. I point out that quite a number of public swimming pools have been constructed in recent times, and in the main by local governing authorities with the help of the Government. I further point out that in every instance, in one way or another, assistance was sought from the Public Health Department in the matter of obtaining ideas in regard to how they should be constructed and how they should be maintained in order to ensure that the public health was safeguarded.

It would appear then, that for this reason, if for no other, it is necessary to bring these regulations down in a logical form so that they may be supplied more easily upon request, and to insist that regulations are followed where no authoritative assistance is sought. It should also be noted that the amendment relates to pools used by members of the public and not pools provided by people for their private use.

Mr. W. Hegney: It does not include private pools?

Mr. ROSS HUTCHINSON: No.

Mr. Toms: Why not?

Mr. ROSS HUTCHINSON: Because at the present time it is not felt that they should be included. Consideration was given to the inclusion of private pools, but it was felt that for the time being a watch could be kept on them and, if necessary, perhaps at a later stage an amendment could be made to the Act.

Mr. Toms: Couldn't the private pools be less properly maintained than the public pools?

Mr. ROSS HUTCHINSON: There is not the same public health hazard with private pools as there is with public pools because fewer people frequent the private pools and the bacteria content of the water is not as heavy as it could become in the public pools.

Mr. Toms: They are not nearly the same size, are they?

Mr. ROSS HUTCHINSON: The situation will be watched very closely and public health authorities will keep a guard on these matters.

The second amendment relates to the liability of a retailer for deficient food supplied to him by a wholesaler. A person who sells deficient food is liable to prosecution for an offence against the Health Act. In the case of manufactured goods, such as canned foods, a local authority can take proceedings against the manufacturer or original supplier. As a matter of fact, this amendment was introduced into the Act

some two years ago and I think this is just and right because the retailer has no means of checking the condition of the contents, and has not caused the breach of the law. However, the Act does not extend this provision to foods which are not manufactured.

Milk is a natural food, generally supplied to the retailer in a sealed container, and sold by the retailer in the condition in which he receives it. Foreign bodies are occasionally found in bottled milk, and in these cases the retailer is liable to prosecution. Milk companies invariably refund the retailer's costs, but the retailer's business can be harmed by the publicity. The amendment that is proposed in this Bill would allow proceedings to be taken against the guilty party instead of the retailer, who now feels that he is the innocent victim of a law which protects the real offender.

The third amendment concerns the identification of persons who are carriers of organisms of a dangerous and infectious disease. Fortunately very few cases of typhoid fever are reported nowadays; and this is not arrived at by chance but as the result mainly of the higher standard of sanitation in the community, and because of the health measures that have been taken over the years. When a case does occur it is frequently found that the patient has associated with an elderly person who had the disease years ago and who has remained a carrier of the infectious organism.

The carrier has no symptoms of illness. The condition cannot be established by a superficial medical examination, but requires laboratory tests of faecal specimens; and if a person is unwilling to provide faecal specimens to a medical practitioner, or to the Public Health Department, the public health authorities are powerless to act, and in such circumstances a carrier can continue to spread a disease.

Whilst carriers remain there will always be a danger of widespread outbreaks of disease. One outbreak of disease was nipped in the bud some two or three years ago when the Serpentine Dam was being built, but officers of the Health Department took rapid action to isolate the carrier and to carry out other preventive measures to avoid what could have been an extremely dangerous typhoid epidemic. The importance of positive identification is therefore apparent.

The amendment would empower the Commissioner of Public Health to order a person to provide a nominated medical practitioner with specimens for the purpose of examination. The application of the power would not be limited to typhoid cases. A similar position could arise with carriers of diphtheria and other diseases. No-one likes compulsion in these matters, but sometimes it is necessary to exercise compulsion in the interests of public health and safety, and I am sure the great majority of people would agree.

The next amendment concerns "Senior Citizens" centres. Several local authorities have shown commendable initiative in providing buildings and facilities where elderly citizens may meet and take part in group activities. These centres are invaluable in that they promote the well-being of their members, and enable them, most importantly, to remain independent and useful citizens. These centres provide the means whereby many aged folk can extend their period of useful life. Section 324 of the Health Act authorises local authorities to provide or subsidise centres for "the care of the aged".

Legal opinion has been given that this authority is not wide enough to cover the usual range of facilities provided; that is, the group activities that were referred to a short time ago. In order to set the matter right, it is proposed to extend the functions of these centres to include "recreation, comfort, and convenience" so that the care of the aged will be extended to include this additional service.

The fifth amendment will, I feel sure, interest members because it deals with life-saving blood transfusions for minors. Members will no doubt recall reports of children dying unnecessarily because their parents refused to authorise blood transfusions that were vital to treat some otherwise fatal condition. In these cases the parents claim to be acting in a conscientious belief that blood transfusions are against their religious principles and they are bound to withhold approval for the transfusion even though it results in the death of their child. The great body of reasonable opinion rejects this view.

As the law stands, the only way to deal with such a situation is to take action under the Child Welfare Act. This requires proceedings before a court which can declare the child neglected and make it a ward of the State. The transfusion may then be authorised. It could happen that these proceedings would be protracted to a point where the life of the child was in danger. When these proceedings are followed through, however, the transfusion may then be authorised.

The Bill provides, very simply, for a medical practitioner to perform a blood transfusion on a child when this is necessary to preserve life, despite the refusal of the parents to authorise the transfusion. The medical practitioner must seek a second medical opinion, but where another medical practitioner is not available the transfusion may be performed without a second opinion if the emergency

demands immediate treatment. In submitting these five amendments to the House I hope they will all be agreed to.

Debate adjourned, on motion by Mr. Norton.

CHURCH OF ENGLAND (NORTHERN DIOCESE) ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [3.37 p.m.]: I move—

That the Bill be now read a second time.

What is now known as the Diocese of North-West Australia was, up to 1907, part of the Diocese of Perth. In 1907, the Synod of the Perth Diocese created a new diocese comprising the north-west, including Geraldton, to be known as the Northern Diocese, but the new diocese could not hold a synod until there were not fewer than eight licensed priests in the diocese. That difficulty was overcome by the passing of the Church of England (Northern Diocese) Act of 1961. Following the passing of that Act, the first synod of the diocese was held at Geraldton in November, 1961, and at that synod the name of the diocese was changed to the Diocese of North-West Australia.

The trustees of the diocese were constituted a corporation by section 12 of the Church of England Diocesan Trustees and Lands Act of 1918 under the name of "The Trustees of the Northern Diocese", and all land belonging to the diocese consequently was—and still is—registered in that name. So far as the Church of England in Australia is concerned, the name is now "The Trustees of the Diocese of North-West Australia" consequent upon the decision of the first synod held at Geraldton last November, but the name of the incorporated body can only be changed by Act of Parliament. It is desired that the name be changed and the purpose of this Bill is to effectuate that desire.

Debate adjourned, on motion by Mr. Sewell.

DECLARATIONS AND ATTESTATIONS ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [3.39 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this brief amending Bill is to provide reciprocity with the other Australian States for a justice of the peace to have authority to attest documents required for use in this State. All Australian States, other than Western Australia, have legislation to enable documents requiring to be attested by or sworn before a justice of the peace for any of the States to be validly attested or sworn before a justice of the peace for any other Australian State.

This State had not as yet followed suit, with the result that in the absence of any special provision to the contrary, in a particular case, it is not competent for any other justice of the peace to act where a document is required to be attested by or sworn before a justice of the peace in this State.

Consideration has been given in the preparation of this Bill to whether the resulting convenience to the public outweighed the possible inconvenience of having, in a particular case where the identity of the witness is in question, to obtain from another State evidence of the identity and of the appointment of the witness as a justice of the peace for the district where the document was witnessed.

It has been decided that the advantages and convenience to be derived from the proposed amendment would outweigh any possible inconvenience. This decision is strengthened by the intention to move a complementary Bill for the amendment of the Evidence Act along the lines of the Evidence Act of the United Kingdom. Section 3 of that Act provides that validity of attestation may, instead of being proved by an attesting witness, be proved in the manner in which it might be proved if no attesting witness were alive. Such proof is usually based on handwriting.

In support of the intentions of the Bill, it is pointed out that under the Declarations Act, a classified officer of the Commonwealth Public Service may attest any document requiring attestation by a justice of the peace, and presumably as much thought would be given to the selection and appointment of a justice of the peace in the other States as to the selection and appointment of Commonwealth public servants.

This Bill accordingly provides that justices of the peace in the other States of Australia shall have the authority to attest documents requiring to be attested or sworn before a justice of the peace in the same manner as a justice of the peace in this State.

This is an amendment that has been sought from time to time, because of the increase in the need for justices of the peace recognised in other States to be accepted in this State.

Debate adjourned, on motion by Mr. Brady.

INTERPRETATION ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [3.42 p.m.]: I move—

That the Bill be now read a second time.

This short Bill contains one amendment aimed at easing the provision for treble costs in paragraph H of the second schedule to the Interpretation Act. That paragraph reads—

> No action shall lie against any justice of the peace, officer of police, policeman, constable, peace officer, or any other person in the employ of the Government authorised to carry the provisions of this Act, or any of them, into effect, or any person acting for, or under such persons, or any of them, on account of any act, matter, or thing done, or to be done, or commanded by them, or any of them, in carrying the provisions of this Act into effect against any parties offending or suspected of offending against the same, unless there is direct proof of corruption or malice and if any such person shall be sued for any act, matter or thing which he shall have so done or shall so do in carrying the provisions of this Act into effect, he may plead the general issue and give the special matter in evidence; and in case of judgment after verdict or by a judge sitting as a jury or on demurrer being given for the defendant or of the plaintiff discontinuing or becoming nonsuit in any such action, the defendant shall be entitled to and have treble costs.

Following the judgment given in the High Court of Australia in the case of Trobridge v. Hardie—which some members may remember was an action taken by a civilian against a police officer—when Mr. Justice Fullagar referred to the iniquitous provision for treble costs, the council of the Law Society of Western Australia, after considering a report by its Law Reform Committee, submitted that paragraph H be amended, particularly with reference to the provision for treble costs.

The provision for treble costs was presumably inserted to deter members of the public from bringing unsustainable actions against police officers in their private capacity; and to protect public officers, when acting in the execution of their duty, from private actions, bearing in mind that police officers have frequently to act alone and without witnesses; and in the absence of adequate protection may be deterred from doing their duty fully in all circumstances unless they have witnesses or special protection given by law.

On the other hand, members of the public who *bona fide* consider they have a cause of action aganst a police officer may be deterred from bringing the action by the fear of having to pay treble costs in the event of failure.

It is considered that the provision for treble costs should be retained in order to deter people from commencing frivolous actions, but that the award of such costs or any part thereof should be at the discretion of the court. This would enable a person with a *bona fide* cause to take action, knowing that, if he lost, the court would have a discretion in the amount of costs awarded, and that he would not, as an absolute requirement, have to pay treble costs.

Debate adjourned, on motion by Mr. Brady.

Sitting suspended from 3.45 to 4.6 p.m.

IRON ORE (MOUNT GOLDSWORTHY) AGREEMENT BILL

Second Reading

Debate resumed, from the 16th August, on the following motion by Mr. Bovell (Minister for Lands):—

That the Bill be now read a second time.

MR. BICKERTON (Pilbara) [4.6 p.m.]: I have studied this agreement rather carefully and must admit it is not an easy one to handle. It is one of those things that is more or less projected into the future—something that may happen if certain preliminary investigations which have been carried out by both parties to the agreement happen to be favourable. On the other hand, it is also an agreement which equally has a chance of not being carried out after that preliminary testing period. In fact, I find it hard to understand why, at this stage it was brought before the House for ratification. The company has a period of time to test certain reserves of ore before entering into the body of this agreement; and there is every possibility that the agreement may not be needed.

So I think the Government would have been wiser if, first of all, it had allowed the company to carry out these investigations under the signed agreement; and then, if it required the agreement to be ratified by Parliament, that could have been done at a later date when we could be sure the company would go ahead with its particular project. As I see it now, there is no guarantee at all that that will be the case. We are talking about something which may happen, but something which has just an equal chance

of not happening. At this stage we are dealing with an agreement about which we know very little.

It deals not only with the mining of an area, but also with the provision by the companies in the agreement of certain utilities such as railway lines, townships, schools, ports, and handling equipment. All this is additional to the testing of the leases. Therefore we are discussing matters that are pretty vague as far as this House is concerned at this particular time.

To give some idea of the position in regard to one aspect, I asked a question without notice the other day concerning the route of this railway line, and the Minister replied as follows:—

> Under clause 5 of such agreement the Joint Venturers agree to construct railways and roads along routes "to be mutually agreed between the parties hereto."
>
> Until the Joint Venturers complete their examinations and survey—which work is proceeding—the routes and locations of railways, roads, wharf, etc. will not be decided.

It can be assumed that the proposed railway line will run from point A to point B—that is, from the site of the ore body to Depuch Island. However, to go to the ridiculous, we have not a clue whether the line will pass through Brisbane, Melbourne, Adelaide, and back; or whether it will take a direct route from Mt. Goldsworthy to Depuch. The route which this line is to follow may not be regarded as important, but it is so because there is a vast mineral area through the Pilbara. The route of the railway line need not necessarily be a direct one, because there are many other iron ore reserves held by the Government. It is quite possible that the line will be taken through these other reserves.

When one reads the agreement through, one finds that the conditions the company has in relation to reserves could have a great bearing on the route of the line. So I am not trying to be over-critical of the agreement, although I say it is a very vague thing for this House to be ratifying at this particular stage.

Only this morning in *The West Australian* I saw an article which reminded me very much of this agreement. If I may digress a moment, Mr. Speaker, this article concerned a new bridge across the river. On looking at the plans, one saw three places—Attadale, Kwinana, and Point Walter; and then a possible highway to Fremantle; a possible scenic drive; a possible highway to Perth; and a possible bridge. I think the best I can say of this agreement is that it is a possible agreement. Many of the things that apply to the bridge apply to this agreement.

I can assure members there is such a place as Mt. Goldsworthy; there is such a place as Depuch; there is a State Government; and to the best of my knowledge—and I have no reason to doubt it—these companies do exist. However, as I see it, they are the only realities of the agreement. There is a possible railway line to be established. There is a possible deposit of ore to be mined—the testing is not yet completed. There is a possible port and possible shipping facilities. So I do not think I am being cruel about this agreement when I say that to my way of thinking it is one that could be called a "possible agreement" between the companies concerned and the Western Australian Government.

At this stage I would like to say that I sincerely hope the agreement materialises; but, as I said earlier, I cannot understand the haste of the Government in bringing it to Parliament for ratification at this particular stage. If the agreement is signed between the companies and the Government and, after the testing period, ratification is necessary, I should have thought that that would be the time to present it to Parliament for ratification. Had that course been followed both the companies and the Government would have been protected.

In order to acquaint members of this House with what was taking place it would have been quite sufficient to table the agreement at this stage without its being ratified by Parliament. In regard to the ratification of agreements, it is a well-known fact in parliamentary circles—I think I have often queried the fact—that when an agreement is brought before Parliament it can either be accepted or rejected; and, of course, Governments never bring agreements before Parliament for ratification unless they have the numbers to see those agreements are, in fact, ratified.

I have often wondered—apart from allowing anyone to let off a bit of steam—what the purpose really was for ratifying agreements, unless it gave the people concerned—the other parties concerned in the agreement—a better document of security. But we cannot amend this agreement in any way; we can either agree to it or reject it. I do not know whether it is possible in our parliamentary set-up to have this any other way; but I do think some form of amendment should be possible when such a Bill comes before Parliament.

We have people who oppose the abolition of a second House of Parliament raising the argument—and it is one of their strongest arguments—that the purpose of a second House is to have a look at legislation which comes from the Lower House, with the object of making any amendments. One would think that the purpose

for bringing this agreement before Parliament would be to have it either rejected, or accepted, or amended.

I realise that this would still involve having to go back to the other party for bargaining purposes, but I cannot see that would create any more trouble than the original bargaining between the Minister or Cabinet and the particular parties concerned. However, that is the way things stand and there is not much we can do about it at this stage.

In these days of high pressure politics it does seem to be the habit of Governments to chalk up as many wins as possible with regard to the obtaining of industries or industrial projects for their particular States; and this has been rather evident in States like South Australia, New South Wales, Victoria, and Queensland, particularly since the war years.

The object seems to be to have as many as possible to a Government's credit when it goes to the polls. I think it will be interesting to see what the parliamentarians of the future think of some of our present so-called statesmen and past statesmen when they have to carry out some of the obligations which are laid down in these various agreements which have been used for the encouragement of industry.

As I see it, a country's bargaining power generally rests in the amount of land it holds, the position of that land viewed strategically, and the amount of natural resources contained in that particular area; so with the sale of natural resources it is possible to establish secondary resources and so build up population and prosperity at the actual time of achievement. But how long that prosperity lasts as a result of the use of natural resources depends entirely, I would think, upon the foresight used by those who make the agreements in connection with them.

I suppose that of all a country's natural resources there are few, if any, so completely used as its mineral resources; and few, if any, so impossible to replace. A mineral area, once it is used, is never used again, if it has been used properly in the first place. In other words, if it is a surface deposit of mineral we can only hope to finish up with a hole in the surface of our country. If it is an underground deposit of mineral we can only hope to finish up with a hole underground.

So with minerals it is a matter of making hay while the sun shines. In connection with this agreement, as with all agreements where minerals are concerned, it is a matter of the members of this House, and the members of the public generally, deciding whether sufficient hay has been obtained in exchange for those minerals; and not only whether a sufficiency has been obtained, but also if it is of the quality that it can be consumed by future generations without giving them untold digestive upsets.

For that reason I say that a great deal of thought must at all times go into the use and exploitation of our minerals; because it is a fundamental fact that the more we sell, the less we have to sell; the more we remove, the less we will have to be removed; and the more that is exploited, the less there is to exploit.

As I said before, it is a matter of making hay while the sun shines and getting the most out of those minerals for the benefit of the country, and of getting preferably some form of lasting benefit so that when the minerals have gone we have something in their place.

Minerals are not like agriculture; once the area has been used, it is finished so far as minerals are concerned. They are a diminishing asset and I am sure everyone is aware of that.

This is an agreement between the Western Australian Government and the three companies concerned; namely, Consolidated Gold Fields, Cyprus Mines Corporation, and Utah Construction and Mining Company. They are called in this agreement the Joint Venturers, which I thought sounded a little bit TV-ish, or an outer-space term.

The companies concerned are, to the best of my knowledge, very reputable organisations; and I know and have met some of the individuals connected with them. I would say they are very efficient, capable, conscientious, and loyal employees of the companies which pay their salaries. I only hope—and I have no reason to think otherwise—that the elected representatives of the taxpayers responsible for this agreement are equally as conscientious and as loyal to the people who pay their wages—and they, of course, are the taxpayers.

It is an agreement which calls for the export of 1,000,000 tons of iron ore per year over a period of some 15 years. But, as I said earlier, this depends very much on a preliminary testing period, of which the House at this stage knows little except a remark or two passed by the Minister introducing this matter to the effect that the testing was going along fairly satisfactorily.

The testing apparently involves the expenditure of some £291,000. I do not know what is the idea of the "one" in that figure, unless it has something to do with the 2 per cent. However, that is the figure. From all that the Minister said on this matter, perhaps the whole

agreement can best be summed up by a very brief reference to the Minister's speech. He said—

> Once the Joint Venturers have satisfied themselves that the project is economic they are required to give the State formal notice that they intend to proceed with the rest of the project. If on the contrary their investigations prove unsatisfactory, they can notify the Government that they do not intend to proceed any further. In the event of their deciding to continue they must—

The Minister then went on to outline their obligations very briefly and adequately, as follows:—

> (1) develop the mine and fully equip same with all necessary mining and power plant and gear capable of handling not less than 3,000 tons of ore per day;
>
> (2) lay out and provide a town near the mine including roads, amenities, school, water, and other necessary services;
>
> (3) construct a 4 ft. 8½ in. railway line from the mine to the wharf at Depuch Island, and provide for the running of such railway with sufficient locomotives, freight cars, and other stock to haul the tonnage of ore to be produced.

My worthy colleague, the member for Mt. Hawthorn, interjected at this stage and said—

> When do they expect the line to Depuch Island to be completed?

The Minister replied—

> That will depend on negotiations that will proceed, and if the honourable member had been listening—

My worthy colleague said—

> I am listening.

And I know he does listen; and the Minister said—

> —he would have heard me say the Joint Venturers were studying the economics of the proposition, and they have to give the State notice of their intention to proceed.

My worthy colleague again said—

> Have you any idea when it will be done?

And the Minister replied—

> I cannot give any indication at the moment.

And then the member for Mt. Hawthorn, to tidy the matter up, said—

> That's the answer. Thanks very much.

Mr. Bovell: Very polite of him.

Mr. BICKERTON: I think that pretty well sums up the agreement, the Minister's brief remarks on it, and the efficient cross-examination by my worthy colleague, the member for Mt. Hawthorn. The details are there about something which may be taking place; but, as the Minister said, we do not know at this stage; and I too, for that information, can only thank him very much. We could have the industry, and there is every possibility that we could not.

There is an unusual side to this agreement. It calls for the companies concerned to supply, as well as mining ore, a certain number of what we would normally call public utilities—things which, normally, Governments would be handling.

I think the Government's reason for doing this was no doubt to save expenditure from the Treasury, and if that was the case it could be achieving its object. But I am not one who feels over-happy about public utilities as we know them being in the hands of private companies. I think complications do arise from time to time, and I think that Governments are responsible for those facilities.

There is another matter I am not keen about with this sort of thing; that is, it does restrict, as I have said in this House before, the number of companies which are eligible or can be eligible to tender for these particular jobs owing to the amount of capital involved in supplying these what I call public utilities. It does restrict the number of people who can tender, when we call for tenders of this nature. To bear that out, even those companies—which, as everyone here will realise, are large companies—had to amalgamate to be able to carry this job forward; apparently none of them being able to do the job on its own.

If it were the Government's intention by this means to obtain large private companies—and preferably overseas companies—well, I think the Government has achieved its object by this means, and I have no great criticism about that. But I do think that we restrict the number of people who can tender and therefore we restrict our range of tenders, and we may be missing out on perhaps a better price from some other direction.

There are in the agreement—and I will deal with this matter very briefly—certain concessions given to the companies'

royalties, where they have to do a certain amount of pre-treatment of the ore before loading. I can see nothing wrong with that. If companies can be encouraged to build treatment plants in the area it can only mean another type of industry, and this could be very beneficial as far as the district is concerned.

As the agreement states, the royalties are 7½ per cent. per ton of the f.o.b. price with a minimum of 4s. 6d. a ton. I felt that the percentage method of arriving at the royalty was quite a good one, and therefore I had difficulty in trying to decide why, with the beneficiated ore, or the treated ore, or semi-treated ore, the royalty should be 1s. 6d. a ton. I would have thought that that figure also would be converted to a percentage basis so that it fluctuated with the prices obtained for the ore.

Still dealing with royalties, there is in the agreement the matter of an extra 2s. 6d. a ton which is to be paid over and above the normal royalties after a period of 20 years—that is, if the company continues after that period. This figure of 2s. 6d. is a typical example of what I am getting at. If the pound continues to depreciate at the present rate, in 20 years' time 2s. 6d. could perhaps be worth no more than 6d. is today. Therefore I believe that both the 1s. 6d. royalty on beneficiated ore, and the extra 2s. 6d. a ton after a period of 20 years would have been much better expressed in percentages, so that the taxpayers would have derived some benefit from the fluctuating value of the ore over the years. If the ore increased considerably in value over the 20-year period there would be a bigger return to the State if the figures were expressed in percentages.

I mentioned to the Minister some time ago the matter of endeavouring to spend in the area, with the object of overcoming the diminishing effect of these assets, certain of the royalties which are derived on conditions which will have a lasting effect on the prosperity of the area. I mentioned the matter to the Minister for the North-West both in a letter and on the floor of the House and I suggested that certain things, such as the normal port improvements at places like Port Hedland, should be continued by using the money derived from royalties.

I have the answer to my letter, which the Minister for the North-West was good enough to send along to me, and to which I referred in the Address-in-Reply. The letter I wrote arose from a motion carried by the various boards in my area. The motion states—

> That the secretary be instructed to approach Mr. A. Bickerton, M.L.A., requesting him to urge that moneys derived from mineral royalties, particularly from iron ore, in the Pilbara area be expended on selected projects in that area, particularly those projects which will be recommended by the proposed all-party committee.

I do not suppose the all-party committee has died completely yet, and I will have something to say on that matter at some future date. The Minister, in his letter in reply to that motion, said—

> The proposal of the association regarding the use of mineral royalties in the Pilbara area has already received preliminary consideration by Government. However, I am sure you will appreciate that it is impracticable to make any decision on a matter such as this at this juncture, particularly in respect of the major mineral projects that are the subject of exploration and proving work at the present time.

I think the Minister, in his reply to my request that the royalties be spent in the area, does little more than bear out my argument about the whole agreement—that it is not possible for the company to see its way clear to make any decision on the matter yet, because it is purely a matter of exploration. That is precisely what I say in relation to the agreement: it is not an easy agreement to deal with because at this stage, if anything, it is little more than a purely exploratory matter.

I do not wish to speak at great length on these matters, but there are certain clauses in the agreement itself which I would be pleased if the Minister handling the matter could check for me, and let me know the position when he replies. I realise he is handling the Bill for a Minister in another place, and I do not expect him to have the answers readily available. I refer firstly to page 10, paragraph (f), which states—

> The State shall—
>
> (f) not during the continuance of this Agreement or of any extension thereof register any claim or grant any lease or other mining tenement under the Mining Act or otherwise by which any persons other than the Joint Venturers will obtain under the laws relating to mining or otherwise any rights to mine or take natural substances (other than petroleum as defined in the Petroleum Act 1936) within the mining area which is likely to unduly prejudice or interfere with the operations of the Joint Venturers hereunder;

What I would like the Minister to clarify for me when he has an opportunity of replying to the debate is whether that paragraph precludes anyone—and it does

appear to me to do so—from working any other minerals in the areas which are held by the Joint Venturers for the purpose of mining iron ore, and for building certain roads, railways, and so on. The area held by the Joint Venturers under this agreement is rather extensive, and it is a very good mineral area. There are lots of other minerals in it, in small quantities, such as tin and beryl in particular, and I would be grateful if the Minister could assure me that the paragraph does not preclude other people from mining other minerals in the area in question; and that it does not give the right to the Joint Venturers, who are purely on the reserve for the sake of the iron ore there, the prior right to any other minerals without, in effect, actually finding them.

On page 14, in subclause (2), dealing with the building of the railway and the responsibility attached to it; and also in subclause (3) dealing with roads, the agreement says that the State shall not interfere with their operations and they will at all reasonable times transport passengers and carry freight of third parties on the railways subject to and in accordance with by-laws, including provision for reasonable charges, from time to time made. At the end of subclause (2) it is stated—

> Provided, however, that in relation to their use of the said railway the Joint Venturers shall not be deemed to be common carriers at common law or otherwise howsoever;

I thought that this agreement, from the publicity it received and the statements made about it would mean that the company would be beneficial to the area generally because it would assist people living there in the transportation of their goods and materials. But, from reading the agreement it would appear that the company is not a common carrier, and it will have no responsibility at all so far as other people's goods are concerned. However, I do not suppose there would be many people using it, in any case.

Subclause (3), on the same page and also on page 15, in dealing with the matter of roads, says that people may use the roads, etc., and to the extent that it is reasonable and practicable so to do allow the public to use such roads free of charge. From that, can I draw the conclusion that it is possible for the company in certain circumstances to charge for the use of its roads? I would like an assurance on the point. The subclause does state that the roads built by the company are to be in accordance with the desires of the local shire, and they must come up to Main Roads Department specifications. However, I do not like the bit at the finish which says that to the extent that it is reasonable and practicable so to do the company may allow the public to use such roads free of charge.

I sincerely hope people will be able to do that, and I hope it does not mean that if the company desires it can charge for the use of its roads; because, in the north, even private roads running into stations or over mining or pastoral leases are used by everyone, and to my knowledge there has never been any talk as to whether or not a charge should be made.

As regards subclause (8), on page 16, dealing with schools, there is another matter I would like the Minister to clarify. Subclause (8) states—

> provide at both townsites buildings for schools and teachers' accommodation of standards and designs and with equipment as shall be mutually agreed between the parties hereto and adequate for the number of children of primary school age residing in each townsite and permit the use thereof by the State during the continuance of this Agreement free of any charge.

It is the matter of the primary school about which I am concerned. Both this township and the one at Goldsworthy, and particularly the first one, have around them several stations and smaller mines; and if schools are to be built in the area, in those particular townships, I hope that they are not to be solely for the children of the employees of the company, or that the company officials will have the say as to whether children of company officials only are permitted to attend the schools. I hope we can get some clarification on that point at a later stage, and that any children in the district will be able to attend the schools.

We have not come up against anything like this before, to my knowledge, where companies have erected their own schools. Even at Wittenoom Gorge, which is more or less a company town, there is a State school; and, of course, children from all around the area can attend that school.

Mr. Brand: I have no doubt that some satisfactory arrangement can be made.

Mr. BICKERTON: I think so, too. I sincerely hope so.

Mr. Brand: At least we will have a school there.

Mr. BICKERTON: On page 19, clause 7 provides—

> The parties hereto mutually covenant and agree with each other as follows:—

It is paragraph (a) of the clause which concerns me; and again this deals with a matter similar to the one I have already dealt with—that is, the company's hold over other minerals in the area. It reads—

> (a) That nothing in this Agreement shall limit any rights of the Joint Venturers under the mining laws of the said State and upon application by the Joint Venturers for

> leases or other rights in respect of metals, minerals and other natural substances (other than iron ore pyrites and iron bearing substances) within the mining area the State shall grant to the Joint Venturers or shall procure the grant to the Joint Venturers of such leases or rights on terms no less favourable than those provided for by the mining laws of the said State.

Under that clause, I feel again that the Joint Venturers are granted a lien over the other metals and minerals in the area to a greater degree than that granted to any other person. So with this clause it is more or less what I said a short time ago; namely, that I would like a guarantee that the Joint Venturers, under this agreement, shall enjoy rights which apply only to iron ore, and that such rights shall not preclude other people from mining in those areas.

I have selected only a few matters that have struck me with any particular force; but the other point in the Bill that I would like to raise is contained in paragraph (m) of the clause dealing with labour conditions, which paragraph appears on page 22 of the Bill, and reads as follows:—

> That during the currency of this Agreement and subject to compliance with their obligations hereunder the Joint Venturers shall not be required to comply with the labour conditions imposed by or under the Mining Act in regard to the mineral lease.

I would like to know why the Joint Venturers do not have to comply with the labour conditions, because all other mining companies do. I do not know whether such a provision applies only to labour conditions in the mining of this ore, or whether it also covers the working conditions prescribed under the Mining Act. Surely they would not be precluded from observing the labour conditions entirely under that clause.

As I said before, whilst I realise the Minister is handling this Bill on behalf of the Minister for Mines, who is in another place, and that I cannot expect him to answer these queries for me offhand, I would like his assurance that he will seek from the Minister for Mines some clarification on these matters.

I want to reiterate that I sincerely hope that this company will continue its operations in the area. But I am a little mystified why the ratification of this agreement is necessary before even the testing is completed. I believe the company should be given encouragement to continue with this work, but I am still of the opinion that had the Government delayed this matter until such time as it could have said, "Here is an agreement on something that is definitely going to take place," it would have represented a much better approach to the question. At the moment all we are doing is hoping that, some time in the future, if this is satisfactory or that is satisfactory, it will come to fruition.

MR. BOVELL (Vasse—Minister for Lands) [4.48 p.m.]: I thank the member for Pilbara for the observations he has made on the Bill. I think the principal point he made was: Why should Parliament be asked to enter into an agreement at this stage? He is of the opinion that negotiations should have advanced much further before the agreement was entered into. However, the Joint Venturers have accepted a great responsibility, and they will be obliged to spend a large amount of money and effort before they can prove whether this project will be an economical proposition.

Mr. Bickerton: They are covered in regard to that under the agreement. I wanted some assurance on various points before it was ratified.

Mr. BOVELL: The honourable member can rest assured that Parliament and the State are in agreement on this proposal. The Government of the day has entered into this agreement, and it is only right that Parliament should be asked to ratify it. Let us go back to 1957 when the previous Government—the Hawke Government—entered into an agreement with an American company to develop the agricultural land at Esperance. That agreement although it was subject to development taking place was brought before this Parliament for ratification to give the parties to it full security whilst progressing with their developmental activities.

This is a similar agreement. It is a venture that has to be proved. The Government has entered into the agreement with the company and the Government considers that Parliament should ratify it. As I have said, the Joint Venturers are required to spend a large sum of money, time, and effort in an endeavour to prove the economics of this project; and therefore they should be protected. The Government considers that Parliament should ratify the agreement before the activities of the company are developed to any extent. A time limit of 3½ years is imposed on the Joint Venturers so they do not have an unlimited time to proceed with the development of this area.

Furthermore, the arrangements the Joint Venturers have to make—not only in this country, but also in their own country—to raise capital and to obtain services that may be required, entitle them to know that the people of this State, through their Parliament, are supporting this venture. One of the principal objectives of the Government in encouraging development in these areas is decentralisation, and therefore we should encourage

this development with capital which the Government does not have to provide. The State's financial obligations under this agreement are, of course, limited, and the company is obliged to spend a great deal to establish essential services.

The member for Pilbara referred to the rate of 1s. 6d. for beneficiated ore. This is the general acknowledged rate for all ore that has to be processed here, and the Government considers it is most desirable to encourage the processing of ore in Western Australia; and further considers that, in these circumstances, the royalty is only a secondary consideration.

The honourable member also referred to several matters contained in the agreement, and I will endeavour to clarify some of them for him. He referred to a provision appearing on page 10 of the Bill. Incidentally, Mr. Acting Speaker (Mr. Crommelin), do we call these paragraphs clauses in an agreement of this nature? I do not wish, in referring to them, to confuse members with the clauses in a Bill. For our purposes we will refer to it as clause 4 of the agreement; and I would refer members particularly to paragraph (f) of that clause on page 10. I think the company, or Joint Venturers, should be protected.

Mr. Bickerton: They are protected.

Mr. BOVELL: I would like to read to the House part of paragraph (f) of clause 4 of the agreement. It says that the State shall—

> not during the continuance of this agreement or of any extension thereof register any claim or grant any lease or other mining tenement under the Mining Act or otherwise by which any persons other than the Joint Venturers will obtain under the laws relating to mining or otherwise any rights to mine or take natural substances (other than petroleum as defined in the Petroleum Act, 1936) within the mining area which is likely to—

and I would like to emphasise these words—

> —unduly prejudice or interfere with the operations of the Joint Venturers hereunder.

Their activities and investment must be protected, and it cannot be reasonably expected that anyone should come in and take a course of action which would prejudice the rights of the Joint Venturers in carrying out their function.

The member for Pilbara also referred to the question of the railway on page 14 of the agreement. He mentioned the matter of the company not being obliged to be a common carrier. I think that is a reasonable proposal. The Joint Venturers are there to foster and develop this industry, and I do not think they should be obliged to be deemed common carriers.

Mr. Bickerton: How does the Minister for Lands get on if he falls off the train?

Mr. BOVELL: I assure the honourable member I will not find myself in that predicament. Subclause (3) of clause 5 of the agreement on page 14 deals with roads. Where private roads are established, I think it is right for the people who establish them to use them for their own purposes. Provided anybody who wants to use the roads does not interfere with the operations of the organisation, I have no doubt that the Joint Venturers will provide them with that facility. There will be a mutual agreement about the use of these roads.

Mr. Bickerton: There is not much advantage if you cannot use them.

Mr. BOVELL: I do not think the company will be unreasonable. We all know from our own experience—I do from mine as a Minister—that there were some difficulties at the time in connection with the Esperance agreement; but in all cases the parties concerned have been reasonable. Any organisation—the Joint Venturers on this occasion—which at its own expense provides amenities and facilities, should be entitled to exercise some control over them. Accordingly I feel that the provision in the agreement is reasonable.

A further matter on which the member for Pilbara touched was in relation to the provision of schools at townsites. This appears on page 16 of the agreement. I understand that no such facilities are available there at present.

Mr. Bickerton: There are a few children on correspondence, of course.

Mr. BOVELL: But if this company develops, as we expect it will develop, it will be obliged under the agreement to establish these schools.

Mr. Bickerton: Would they have the say as to who can attend them?

Mr. BOVELL: I do not think any responsible and reasonable organisation would debar anybody from attending the school.

Mr. Bickerton: That could have been in the agreement.

Mr. BOVELL: As the Premier interjected, some mutually satisfactory understanding will no doubt be established. The Government will certainly endeavour to see that is so.

Mr. Bickerton: But everybody is not as easy to get on with as the Minister for Lands.

Mr. BOVELL: It will be reasonable to expect very satisfactory co-operation so far as the schools and the attendances at them are concerned. As I stated at the outset of my remarks, the provisions of this agreement will relieve the Government of financial obligation, and accordingly the money that might have been used from loan funds for the provision of

such facilities in this area can be used for the provision of schools and hospitals, and other essentials in other parts of the State.

The member for Pilbara also referred to clause 7 of the agreement on page 19 in reference to the mutual covenant. Here again I think the agreement sets out clearly in the final portion of paragraph (a) of clause 7 that the parties shall "grant to the Joint Venturers of such leases or rights on terms no less favourable than those provided for by the mining laws of the said State;" that is, the State of Western Australia. The agreement certainly safeguards the position there. This company will be on a no less favourable basis than that provided by the mining laws of the State.

The question of labour conditions is dealt with on page 22 of the agreement, and the member for Pilbara also made reference to this aspect. I understand these labour conditions apply to the manning of the mine, and the agreement places some obligation on the company in regard to labour conditions. This is a generally accepted principle in such ventures.

Mr. Bickerton: Why do you say it is generally accepted? Who else does it apply to?

Mr. BOVELL: I understand that is the case; it is generally accepted.

Mr. Bickerton: It was not included in the last two or three agreements that the Government brought down.

Mr. BOVELL: This agreement is a new venture. This condition has been accepted as a general principle in the agreement covered by the Bill; it has also been accepted as a general principle in the Scott River, Tallering Peak, and other agreements which have passed through Parliament in recent years.

Mr. Bickerton: Is it likely to be extended to other existing mines?

Mr. BOVELL: I am not going to discuss that matter at this juncture. I want to point out that this principle has been accepted by Parliament, and I can see no reason why it should be excluded from the agreement covered by the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILLS (2): RECEIPT AND FIRST READING

1. Evidence Act Amendment Bill.

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

2. Coal Mines Regulation Act Amendment Bill.

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

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 21st August, on the following motion by Mr. Craig (Minister for Police):—

> That the Bill be now read a second time.

MR. BRADY (Swan) [5.11 p.m.]: Since the adjournment of this debate I have looked through the proposed amendments contained in the Bill. In the main I feel disposed to support them, and to some extent to compliment the Minister for making an attempt to come to grips quickly with people who are trying to avoid their responsibilities under the parent Act.

The Minister intimated that under the Bill it is intended to add to section 66 of the Police Act the words "or any explosive substance." This term is to be added to the description of the equipment used for housebreaking. It is well known that people who break into houses use, in addition to crowbars and master keys, explosive substances; so, in the best interests of the community which we are protecting, it is desirable to add to the list of housebreaking equipment.

The Bill also proposes to add a further provision to section 66, by the inclusion of a new paragraph. While I agree in principle with the main objective of the Minister, I cannot agree with the amendment as it is worded. To cope with the offences described as "Peeping Tom" offences, which are becoming more frequent, it is proposed to add the following paragraph as paragraph (13):—

> Any person who is or has been, without lawful excuse (the proof of which excuse shall be on that person), in or upon any premises or the curtilage, whether enclosed or fenced or not, of any premises

This paragraph is to be included in the provision which deals with rogues and vagabonds. As far as I can see there is no other provision in this section of the Police Act where the onus of proof is placed on the defendant; therefore, I have to oppose this amendment where the onus is being so placed.

It is said that British justice always holds the defendant not guilty until he is proved guilty. It is often said that it is better for half a dozen guilty men to be let off than have one innocent person convicted. I know that probably the Police

Department and the Minister desire in every way to discourage Peeping Toms—and I am out to help as much as possible—but we have to realise that in this House we are making laws for the next 25 to 30 years, a time when probably neither the Minister nor myself will be in the House. We have to take a balanced view of these matters.

There are times when what might appear to be the act of a Peeping Tom turns out to be an innocent encroachment on some land for an extreme call of nature or some other reason. Recently I had occasion to canvass in the Darling Range area during a by-election, and I was in numerous houses. On several occasions I went into a house to see if the people were on the roll. I also took cover on several verandahs because of sharp and heavy showers of rain. There were several times when I looked into the windows of empty houses to see if the houses were occupied. In all of these cases, if a policeman had happened to be around I could have been convicted of being a Peeping Tom.

Mr. Heal: A Peeping Jack.

Mr. BRADY: Somebody said "a Peeping Jack". That brings me to another point. One seldom hears of Peeping Marys, Peeping Katies, or Peeping Matildas; so this is, to some extent, aimed at males. In this House we are mostly males, so we should be prepared to protect ourselves. Therefore it is with some reluctance that I do not agree with the Minister's proposed amendment, now that one has to prove his innocence if charged under this "Peeping Tom" provision.

I know that in recent years there have been some very bad cases in the metropolitan area when murder has taken place; and I believe that in one or two cases even to this day the murderers have not been found. But whilst that is so, and we desire to stop that sort of thing at any cost, as members of Parliament we must be realistic and remember that innocent people can be convicted and made rogues and vagabonds when they are not actually Peeping Toms.

I recall that about five or six years ago a man walked on to the verandah and into one of the rooms of my own home. He gave me a satisfactory explanation. He said that he should have been in another street of the town where he was visiting some friends whom he had not seen for many years. He should have been at 9, Harper Street, when, in fact, he was at 9, Second Avenue. We do not want to see people charged and then have to prove their innocence. It is growing up in the minds of the people that once a policeman takes a person's name and enters it into a book; and once the summons is delivered, that person is suspect.

I have always prided myself as a justice of the peace—and one who has appeared in court many times to give evidence about the good character of other people and so on—on our British way of dealing out justice.

So, whilst I want to help the Minister to get this particular provision passed, at the Committee stage I am going to oppose that portion which says the onus of proof is on the person who is being charged. The provision will be then that the person concerned will have to be proved guilty before a penalty is inflicted.

Previously the penalty for loitering was up to a maximum of one month. Under this measure it will be up to a maximum of 12 months. I do not want to encourage people to be Peeping Toms. We do not want the spectacle of people being murdered and the murderers not being apprehended; but we must be prepared to realise there are times when innocent people can be picked up under this particular provision when they have no evil intent at all. We must not encourage the onus of proof being placed on the defendant. That has not been our system of justice in this State.

In regard to the clause which deals with people giving false reports, I will go all the way with the Minister. The provision deals with people who issue false reports to the police, either orally or in writing. They say that a circumstance has occurred, when in fact, they know the information to be false.

I think we all know of the circumstances surrounding the ship known as *Maria*, that was supposed to be foundering off the coast of Port Hedland some two or three years ago. The people of Western Australia were horrified to learn that the boat was sinking with a number of people on board. However, after some months it transpired that the whole incident was a hoax. I think that, some six or nine months afterwards, a man admitted that he transmitted a false radio report from some outback station. The incident caused enormous expense to the Police Department, to the Harbour & Light Department, and to the Flying Doctor Service.

That man could not be charged under our State Act and was subsequently charged under a Commonwealth Act. However, if this measure is passed a person responsible for a similar act can be charged under the State Act, and he can be made to pay for any inquiry which might arise out of the false report. I will go all the way with the Minister on that one and will support his amendment.

Apparently there are some very quick-thinking people in the community, because only last year the Minister put through legislation to stop slot machines being used for the purpose of gambling. However, according to the Minister, already there appear to be ways and means

whereby people can work the offending machines by remote control. Therefore the machines have the same effect on the community as gambling machines. The desire of the Minister to cover this particular weakness in the legislation will also have my support, because there is provision in the measure to amply cover those people who are using slot machines for a legitimate purpose. I refer to various types of machines used for vending such goods as confectionery, different kinds of soft drinks, and so on. The amendment is framed in such a way that these people will not be hindered in their operations.

Mr. Tonkin: Is the honourable member certain of that?

Mr. BRADY: As I understand it.

Mr. Tonkin: Are you satisfied amusement machines will be able to operate?

Mr. Craig: Yes; of course they will!

Mr. BRADY: Perhaps not all of the machines, because some of them could have a form of gambling about them. For example, if one of the payers gets so many goals and wins, he may gain a valuable consideration for winning, and that will not be encouraged. Another machine in which a single coin is inserted, for which two or three players have a handle or a knob or a cue each to play, and they only play for skill, will not be interfered with, so far as I can understand.

Mr. Tonkin: Where is the protection for that?

Mr. BRADY: The provision which I understand will cover the situation raised by the Deputy Leader of the Opposition is as follows:—

> (3) For the purposes of this section, "slot machine" means a machine that is operated by the insertion of a coin or valuable token but does not include any machine that—
>
> (a) gives access to any place or convenience;
>
> (b) is a weighing machine or parking meter;
>
> (c) certainly yields previously ascertained goods of which the sale, or exposure for sale, is not prohibited by any law of the State;
>
> (d) provides music; or
>
> (e) for the insertion of only one coin or token, enables two or more competitors to play a game entirely of skill,
>
> without affording any other consideration, advantage or reward.

I feel that covers the position raised by the Deputy Leader of the Opposition. If he feels it does not, he knows his rights and powers to speak and seek an alteration. However, so far as I am concerned I will have no objection to supporting the provision which bans machines worked by remote control or machines which provide some monetary or valuable consideration. In this way we will help to prevent gambling or wagering.

They are the amendments as I see them; and, as I have said, in the main I am prepared to support them. However, I do feel that the provision which places the onus of proof on a person who may innocently have to walk into someone's backyard or front yard for some emergency purpose—and there could be half a dozen such emergencies—is going too far. With that reservation, I support the Bill.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [5.28 p.m.]: I wish I could be as certain as the member for Swan that amusement machines will not be prohibited and that this amendment will ensure that. I consider I was very badly let down in connection with this matter last session when the amendment to the Police Act was submitted.

I want to make it quite clear at the outset that I am with the Minister and the Government 100 per cent. in trying to prevent machines being used for gambling. I would not tolerate this for five seconds, and I will give the department all the power necessary to prohibit their operation. However, I wish it luck, because this has been tried all over the world, and satisfactory legislation has not yet been devised to overcome the ingenuity of man.

However, I am concerned with the fact that power amusement machines are just as entitled to be used as are billiard tables, bagatelle tables, or golf courses. If some people gain amusement by playing billiards, they are entitled to do so. If others gain amusement by putting a coin in a machine and manipulating the mechanism of that machine without obtaining any reward other than another shot, if successful, why should they be prohibited from doing so, so long as there is no gambling element in it, and it is not being used for that purpose?

When the amendment to the Police Act was under consideration last session I had the following to say, which is quoted from *Hansard* No. 3 of 1961, page 2621—

> Mr. TONKIN: Can we take it that a *bona fide* amusement machine will become exempt from prohibition? Because if we cannot, then the position is not at all satisfactory. Human nature being what it is, it is inevitable that a person who believes in his own prowess will desire to back up his judgment with a small wager. That takes place in golf matches when wagers of 2s. are made on the result. That is what gives rise to competition in the use of the machines. Some

of these are *bona fide* machines into which children insert a penny in an endeavour to drop the ball into an opening. Children sometimes have several shots to try out their skill. They do not receive any monetary reward but only the satisfaction of achievement. We should not stop such practices.

Mr. Watts: Surely it has occurred to the honourable member that the reason for including the various proclamations in the Bill is to enable the Commissioner of Police to ascertain which machines are used for gambling and which for undesirable purposes.

Mr. TONKIN: Even in the case of *bona fide* machines it is inevitable, if one is a gambler, that one will have a side wager on the result of the game. What we have to prevent is gambling; we should not prohibit the use of these machines because people gamble on them. There is nothing wrong in children playing games on these machines at the cost of a penny a game. There is nothing wrong with that practice.

Mr. Watts: No-one has said there was anything wrong with that practice.

Mr. TONKIN: It is wrong to prohibit the use or possession of these machines because some people gamble on them. If we did we should also prohibit the game of golf because the players gamble on the result.

I can appreciate the desire of the Government in this matter and I am fully behind it. It is highly desirable to prevent the congregation of teenagers around these machines which encourage them to get up to all sorts of mischief. I want to stop that sort of thing, and I want to stop people losing hundreds of pounds on these machines; but I do not want people to be prevented from installing these machines if they provide *bona fide* amusement for children.

I have before me a report of a case which was heard before the Supreme Court of the U.S.A., in connection with the use of these machines. There is a lot of sound common sense in the following submission:—

Then followed a statement showing the difference between the pinball machine and the bingo machine. Having drawn attention to the fact that I was not prepared to ban straightout amusement machines I was given the following undertaking by the Attorney-General:—

I would say to the Deputy Leader of the Opposition that the provision in this Bill is that no action should be taken by the Governor-in-Council without the recommendation of the Commissioner of Police—not the Minister for Police, but the Commissioner of Police. It is extremely unlikely that the Commissioner of Police will make foolish recommendations along those lines. I think the Deputy Leader of the Opposition would agree with me in that.

It is quite clear to me also that the commissioner and his officers—and particularly the officers, because it is with them I have had most contact in this matter—are well versed in the difference between the gambling or undesirable machines which I discussed a moment ago and those which are absolutely harmless and innocent amusement.

Relying firstly on that fact, and secondly on the wisdom of all Commissioners of Police, I am absolutely sure the honourable member can rest quite satisfied.

Now, Mr. Speaker, what do I find? No sooner had Parliament got up than a regulation was promulgated banning the lot—amusement machines as well as gambling machines—on the recommendation of the Commissioner for Police. And then the ingenuity of those in charge of the gambling machines came to work and the net result is that the gambling machines are still operating and the amusement machines are operating under restriction. So much for the undertaking which was given to me in connection with this matter!

Mr. Ross Hutchinson: Speak up a bit!

Mr. TONKIN: No wonder I say from time to time that I cannot accept the word of Ministers given in this House. I have been let down so often. I think it is a shameful situation when our support for measures is gained on assurances which cannot be relied upon.

Now there is no argument about that situation. There it is on record. Nor can it be denied that the regulation which was subsequently promulgated made no distinction between gambling machines and amusement machines. Now this is a real problem all over the world: to try to prevent the gambling machine but allow the amusement machine to continue to operate; and because of the large profits that are made from gambling machines it is worth while for those who are responsible for their manufacture to engage the best possible brains to circumvent the law. But for those who operate amusement machines the profit is not nearly so great and so there is no inducement for them to circumvent the law, and they just go out whilst the gambling machines continue to flourish.

I would say, with all due respect to those who are endeavouring to do their best, that they do not understand the fundamentals

of this problem and they should not be tinkering with the law until they do. This has engaged the brains of the cleverest scientists for the express purpose of circumventing the law which is there to prevent the operation of the straightout gambling machine.

It would do members good to get hold of this publication—No. 596 in the Supreme Court of the United States. The United States of America is the petitioner against Walter Korpan on a writ of *Certiorari* to the United States Court of Appeal for the Seventh Circuit; and this gives a full statement of the case on a motion for leave to file brief in connection with this particular prosecution. It sets out very clearly the differences between the machines. I quote—

> Point I: The so-called bingo machines presented to the Court in this case are also "so-called 'slot' machines," basically identified with the "slots" of fifty years ago, allowing only for improvements and camouflaging innovations.
>
> Point II: Amusement pin-ball machines are clearly distinguishable from their gaming counterparts, and are not "so-called 'slot' machines," even though coin operated.

It then goes on to give a recital of various points in connection with the matter to show the difference and to show how difficult it is to ban the gambling machine and allow the amusement machine to operate. I would now like to quote from page 22—

> This distinction is not always easy for the indifferent observer to grasp. But it is a distinction based on fact, not merely on speculation or opinion. And it cannot be urged too emphatically: the free-game award device on an amusement machine does not facilitate gambling. When the machine rewards high scores by free replays which must actually be played off, the result may even be the opposite, for any additional award to the patron would tend to be cumulative and superfluous as a play-inducement. But more importantly, so long as the replays are unrecorded, the machine cannot control pay-offs based on them, and no accounting is possible between the operator and the location owner if such a practice were actually followed.
>
> Of course it is quite possible for the location-owner to pay those who play the machines a valuable consideration, qua prize, for free games won—just as it is possible for him to give cash awards for high scores, low scores, extra balls, white lights, red lights, red-haired players holding even-numbered Social Security cards, and so forth. To this extent the free-game machine is a putative gambling device exactly like its non-free-game counterpart—and also exactly like the efficient, gravity-powered, durable and widely circulated device, manufactured by Uncle Sam, which is characterised by symbols colloquially known as "heads and tails."
>
> The gaming machine—the device capable of *bona fide* distinction from its innocuous simulators—is the one which awards free games and then records those which are awarded but not actually played off. There is nothing in the statutes under consideration in this case, nor anything in the pertinent legislative history, that suggests rejecting this distinction. The Treasury Department implied recognises it (Regulation 59, Section 323.22, 26 C.F.R.) in characterising as gaming devices only those pin-ball machines "with respect to which unused 'free plays' are redeemed in cash."

In the Model Anti-Gambling Act, drafted by the American Bar Association Commission on Organised Crime in 1952 and approved and promulgated by the National Conference of Commissioners on Uniform State Laws, the phrase "gambling device" is controlled by a definition similar to the generic definition contained in Section 4462 (a) (2), and reading as follows:

> . . . any device or mechanism by the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as a result of the operation of an element of chance . . .

The drafters of the Model Act then acknowledge precisely the distinction being urged here by providing, as an optional addition to sanction the non-gaming and innocuous free-play machines:

> (But in the application of this definition an immediate and unrecorded right of replay mechanically conferred on players of pin-ball machines and similar amusement devices shall be presumed to be without value.)

In sum, then, it is respectfully urged that petitioner's reference to the award of free plays as a test, *per se*, of the gaming character of these machines should be disregarded in disposing of this case; if the reference is not disregarded, it should be corrected and clarified by adding some explanatory reference to the recording feature which is, in fact, the vitiating element.

CONCLUSION

This amicus curiae respectfully supports the position of the petitioner, the United States, believing that the machines in issue are plainly "so-called

> 'slot' machines" subject to tax at the 250 dollar rate, that they are not amusement machines and cannot be identified with the latter to qualify for the 10 dollar rate, and that it was grossly erroneous to limit the statutory definition of gaming devices to the type of machine commonly known as the "bell" or "one-armed bandit" type. Therefore the opinion of the Circuit Court should be reversed, and the ruling of the District Court should be sustained. If this Honourable Court comments on petitioner's allusion to free plays, it should also explain the importance of the recording device which adapts free plays to gaming operations.

I think it is clear that this is a very complicated question, and one which has occupied the attention of many people and many courts throughout the world. It seems that the consensus of opinion is that the straightout amusement machine, which is in no way used for gambling, should not be prohibited, but that every effort should be made to prevent the use of the gambling machine as such; and although it is desirable to prevent the congregation of young people in any place, whether there be slot machines there or not, I submit that we cannot in this Parliament legislate to keep people from congregating; because if they do not congregate where there are amusement machines they will congregate somewhere else for some other purpose; and I have yet to learn that it is the business of the Legislature to stop people from gathering together unless they are gathering for an unlawful purpose. It would be an unlawful purpose if they were gathering for the purpose of gambling, but it is not unlawful if they are gathering for amusement any more than if they go to a ball to dance.

I am relying upon the assurance I was given in this House when the amendment was put into the Act, but the Bill does not safeguard that situation at all. The Minister, in answer to a question of mine the other day, told me that steps were being taken to see that the assurance was carried out. This is the very opposite of that.

Mr. Craig: I said that the undertaking has been carried out.

Mr. TONKIN: Has it?

Mr. Craig: Yes.

Mr. TONKIN: I hope the Minister will give us an explanation as to the way it has been carried out, because the regulation which banned them is still in existence as far as I know, and has not been withdrawn. Nor will this remedy the situation; it will only make matters worse. It will give the police complete power to ban straightout amusement machines as well as gambling machines. Let us be honest with ourselves; with this clause in the Bill are we trying to prevent the use of these machines, whether they be amusement or gambling machines, or are we only trying to prevent the gambling machine? That is what I want to know so that I can cast my vote accordingly.

However, I do not want to be told, as I was told before, that I can trust the police; that they know about this; and that they know the difference between the machines and therefore the amusement machines will not be banned, only to find that, in a matter of a week or two, amusement machines are banned. I want to know what the situation is. Is it intended to ban all machines, or is it intended to ban only gambling machines? I hope the Minister will be explicit on the point.

MR. CRAIG (Toodyay—Minister for Police) [5.48 p.m.]: I thank the member for Swan for his remarks in respect to the Bill, with the exception of the remarks he made in regard to section 66. I realise that the member for Swan is an ex-Minister for Police and he has a full realisation of all matters that are referred to in the Bill, with the exception of that in relation to slot machines which did not come before Parliament until after his time as Minister.

The only part of the section to which he takes exception is that in relation to the onus of proof so far as Peeping Toms are concerned. Perhaps I could leave a further explanation on that point until we reach the Committee stage, but if I express my views on it now he will realise my interpretation of it, and if he still has any doubts he can raise them at that stage. I interpret it in a different way to the honourable member. The section reads—

> Any person who is or who has been without lawful excuse (the proof of which excuse shall be on that person) . . . .

That part is included to put the onus of proof on the person who is apprehended. The member for Swan explained how in his own case he was electioneering and he entered private property and went on to a verandah to get some protection from the rain. In his case the onus of proof is quite simple. He must have had a reason to be on the verandah, and therefore I cannot see any difficulty in that regard. If the onus of proof did not apply, it would mean that the law could have the opposite effect. The police could pick up anyone in similar circumstances in which case there would be no onus of proof applying. Therefore I believe that the amendment in the Bill is quite in order. I do not expect there will be any difficulty in carrying it out. The onus of proof must be on the person involved; otherwise, as I say, anyone could be picked up.

Mr. Tonkin: Sometimes they are.

Mr. CRAIG: The Deputy Leader of the Opposition does not seem to have much faith in our Police Force.

Mr. Tonkin: You know that sometimes they do.

Mr. CRAIG: Possibly they do. But in this case the onus of proof is included for that reason; it is on the person who is picked up. In the instance quoted by the member for Swan, he could quite easily have proved why he was on the premises. I have known the honourable member personally for many years, and I know he is a rather athletic type and he likes to go for a walk sometimes in the evening.

Mr. Brand: He would not be peeping through windows.

Mr. CRAIG: I feel sure there would be thousands of people who could be put into the same position and who could experience the same situation as the honourable member.

I cannot express the same sentiments in regard to the Deputy Leader of the Opposition, because from his reference to slot machines I cannot quite gather whether he is in favour of the Bill or not; except that it is obvious that he does not accept any assurance that is forthcoming from any Minister or, for that matter, from anyone on this side of the House.

Mr. Tonkin: How can I with my experience?

Mr. CRAIG: I can only repeat the assurance given by the then Attorney-General, which was read to the House from *Hansard* by the Deputy Leader of the Opposition.

Mr. Tonkin: That assurance was not honoured, as you well know.

Mr. CRAIG: As the honourable member said, the then Attorney-General said:

> It is quite clear to me also that the Commissioner and his officers—and particularly the officers, because it is with them I have had most contact in this matter—are well versed in the difference between the gambling or undesirable machines which I discussed a moment ago and those which are absolutely harmless and innocent amusement. Relying firstly on that fact, and secondly on the wisdom of all Commissioners of Police, I am absolutely sure the honourable member can rest quite satisfied.

I can only repeat that assurance. A certain amount of discretion on these matters has to be placed in the hands of the Police; because, as the honourable member realises, it does not matter what sort of a machine it might be, gambling in some form can be carried out with it, even with an innocent amusement machine. Discretion has to be left with the Police Force because, despite the amendments made to the Act last year, gambling is still going on by means of remote control, just because these people can see an avenue where they can avoid obeying the law.

Mr. Tonkin: Yes, but you cannot operate amusement machines by remote control.

Mr. CRAIG: That is why the amendment has been included. The honourable member must realise only too well that even if one were to stipulate certain machines in the proclamation, new types of machines are coming on to the market all the time, and the position could not be controlled in that way. They could not be specified for that reason; because we do not know what new types of machines there may be. As I said, we must leave it to the discretion of the police in whom the Attorney-General had the utmost faith, as I have, and as most members of the House have.

Mr. Tonkin: But they banned them. They banned amusement machines.

Mr. CRAIG: They did not.

Mr. Tonkin: Yes they did.

Mr. CRAIG: The police banned amusement machines which were being used for gambling; and if the proprietors of these places use them for that purpose and they are banned, they have no complaints.

Mr. Tonkin: Your regulation banned the lot.

Mr. CRAIG: I had a deputation from one of the operators at one of these amusement parks. He came to me and said that he would have to go to a huge amount of expense to remove the slots from the machines, and so forth. I said to him, "You don't have to do that if you have a clear conscience and the machines are not being used for gambling. Can you assure me they are not being used for gambling?" He said, "No, they are not being used for gambling," and I said, "Well, why go to the expense of having the slots removed?" That chap was so grateful because he had the wrong idea about the whole matter and because I had told him something which meant that he could avoid any expense involved in altering his machines.

I can only repeat the assurance that was given; and as yet the Deputy Leader of the Opposition has not had an assurance from me on the matter. I can tell the honourable member that as far as I am concerned—and I am speaking for all other Ministers on this side—that assurance will be honoured. I hope I have satisfied him to a degree at least, because I am quite sincere in what I said about having faith in the Police Force and that nobody will be penalised in any way when differentiating between gambling machines, and slot machines operated for amusement.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 66 amended—

Mr. HAWKE: I cannot agree with the Minister's reasoning in this matter. In effect he told us that the responsibility would be upon the police to prove their charges, but as I read the clause the onus of proof will be upon the accused person.

Mr. Craig: That is so.

Mr. HAWKE: Members of the Committee are duty bound to look at this provision very closely. During the 30 years I have been a member of this Chamber it has only been on exceptional occasions that the majority of members of a Committee have agreed to the onus-of-proof provision remaining in a clause. As I understand the onus-of-proof provision in this clause, in essence, it means that unless the accused person can prove he was on the premises for some lawful purpose he is in some great difficulty—

Mr. Craig: That is right.

Mr. HAWKE: —and almost certain to be convicted.

Mr. Craig: Quite correct.

Mr. HAWKE: How is it possible for a person to prove he was on the premises with a lawful excuse? He may be able to assert he was on the premises for some lawful purpose, but proving it would be extremely difficult, I should imagine. If proof necessitates corroboration, as it does in many instances in the courts, such a person would have no chance of proving his innocence. Therefore, the clause needs close consideration. Unless the Minister can put forward a more logical argument than he did when replying to the second reading debate, I would support any move the member for Swan might make to have these words deleted.

Mr. BRADY: When the Minister is considering this matter I would suggest he study section 66 of the Act because that lists at least 10 or 12 offences that one can be charged with, and not one of those contains the onus-of-proof provision. There are one or two set out under that section which are much more serious than the offence of being a Peeping Tom. The Minister should, perhaps, also know that for the past 50 years anybody who was charged with being a Peeping Tom was so charged under the "loiter" section and that section also has no onus-of-proof provision in it. Therefore, at this late stage there does not seem to be any need for such a provision to be inserted in this legislation.

If the Minister contends that police are being consistently called upon to inquire into reports of Peeping Toms, I should say that they have the names of at least a dozen or more people who they know are Peeping Toms. However, there are also some people who could be charged as being Peeping Toms who are completely innocent. Once a policeman summonses any person to attend the court, nine times out of 10 such a person is considered to be guilty, which is a most unfortunate aspect.

Recently, an amendment was made to the Traffic Act requiring that a motorist could not enter a traffic way where there was a sign indicating that one must not be in the right hand lane unless one intends to turn to the right. On three occasions recently I have been forced to drive in the right lane because I was unable to get over on to the left-hand side of the road, due to break-downs, or a driver refusing to give way. I was in real difficulty, and I would have a great deal of bother in trying to prove my innocence if a police officer had booked me and the same applies to a person who is charged with being a Peeping Tom.

I can understand the department and the Minister trying to prevent the commission of a serious offence such as this when there have been many reports of this offence being committed in South Perth in recent years. Nevertheless, we must bear in mind that we will be placing upon the statute book—if this Bill is passed in its present form—an Act that will remain in force for the next 50 or 60 years, when many of us will be no longer here. We must also realise that there will be cases of urgency where people are obliged to enter private premises when they would not otherwise have any necessity to be there.

I consider the Minister would achieve his objective just as effectively if he agreed to the deletion of the words relating to the onus of proof. Therefore, I move an amendment—

> Page 2, lines 9 to 11—Delete all words after the word "excuse" down to and including the word "person."

Progress

Progress reported and leave given to sit again, on motion by Mr. Crommelin.

ADJOURNMENT OF THE HOUSE

MR. BRAND (Greenough—Premier) [6.5 p.m.]: I move—

> That the House do now adjourn.

I would suggest that members come prepared to sit for the full week next week. If we can get through the business in time we might adjourn over Thursday.

Mr. Hawke: It looks as though the Government has given Bunbury away.

Question put and passed.

House adjourned at 6.6 p.m.