*Second Reading*

**THE HON. G. C. MacKINNON** (Lower West—Minister for Health) [10.24 p.m.]: I move—

That the Bill be now read a second time.

This Bill amends the Co-operative and Provident Societies Act, 1903-1947, in four respects. Firstly, it raises the maximum shareholding per member to $5,000. The original shareholding in 1903 was $200, increased in 1947 to $750.

One of the principal and persistent drawbacks with co-operative societies has been insufficiency of capital and the present-day valuation of moneys has changed materially since 1947, and overheads, including wages, capital equipment, etc., have increased considerably. The South Australian Government raised its maximum to $10,000 in 1966.

The second aspect touched on in the Bill affects those sections specifying fees. When considering present-day costs, in the main those are regarded as being inadequate. Allowing fees to be set by regulation, however, will enable them to be brought into line with cost factors, should the occasion arise.

The third aspect to which I would refer is an anomaly in relation to the carrying out of the annual audit. It is intended to amend the Act to provide that only such auditors who are appointed by Order-in-Council may carry out an audit for a society. Thus the Governor might, from time to time, by Order-in-Council, appoint persons to be public auditors and, in a like manner, terminate any such appointment.

The final point is related to a principle of co-operation in that each member should have a single vote, irrespective of his shareholding. This is an accepted practice in the co-operative movement. However, by comparison with the co-operative section of the Companies Act, the Co-operative and Provident Societies Act is not specific and, indeed, there are at present instances in societies' rules where, contrary to the accepted ideal, voting is in accordance with the number of shares held.

This amendment is, in a manner of speaking, complementary to the amendment regarding maximum shareholding and its passing would ensure a majority of members deciding on changes of laws within a society.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

**ADJOURNMENT OF THE HOUSE: SPECIAL**

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [10.26 p.m.]: I move—

That the House at its rising adjourn until 11 a.m. tomorrow (Thursday).

Question put and passed.

*House adjourned at 10.27 p.m.*

# Legislative Assembly

Wednesday, the 30th April, 1969

The DEPUTY SPEAKER (Mr. W. A. Manning) took the Chair at 2.30 p.m., and read prayers.

## QUESTIONS (51): ON NOTICE

### BUNBURY REGIONAL GAOL

*Successful Tenderer*

1. Mr. WILLIAMS asked the Chief Secretary:
   (1) Who is the successful tenderer for the Bunbury Regional Gaol and what is the accepted price?
   (2) How many tenders were submitted and what was the price in each case?
   (3) What are the commencement and completion dates?
   (4) Does this project differ from the Albany and Geraldton Gaols; if so, in what ways?

   Mr. CRAIG replied:
   (1) to (3) This information is not available as the closing date for the receipt of tenders has been extended to the 6th May, 1969.
   (4) Yes. Albany prison is designed as a maximum security institution. Bunbury will provide maximum security for a small proportion of prisoners, and facilities for other selected prisoners.
   Plans for the Geraldton regional prison have not been finalised.

### FOOTPATHS

*Keep-left Rule*

2. Mr. FLETCHER asked the Minister for Traffic:
   (1) Is he aware that—
      (a) some Eastern States capitals have a white line down the centre of footpaths with arrows also painted thereon indicating the flow of pedestrian traffic in opposite directions;
      (b) pedestrians, particularly in Hobart, noticeably observe this keep-left rule?
   (2) As head-on pedestrian conflict appears rare in the capital mentioned, will he use his influence in appropriate quarters to have

footpaths similarly marked in Perth, Fremantle, and other appropriate localities?

Mr. CRAIG replied:

(1) Yes.

(2) Whilst there is some inconvenience to pedestrians, there are no dangerous circumstances. Nevertheless, the matter will be referred to the city councils of Perth and Fremantle for consideration.

MOTOR VEHICLES

*Head Restraints*

3. Mr. FLETCHER asked the Minister for Traffic:

In view of the alleged inadequacy of impact protection afforded by the clip-on type of head restraint in cars, will he urge, on a State and Federal basis, that head restraint foundations be made integral with the seat structure to assist in preventing neck injury to victims of vehicular collision from the rear?

Mr. CRAIG replied:

The Australian Motor Vehicle Design Advisory Panel (under the auspices of the Australian Transport Advisory Council) has formulated specifications for head restraints. The panel has recommended that head restraints be fitted to vehicles manufactured after the 1st January, 1972.

The manufacturers have intimated that the head restraint will form an integral part of the seat.

It is anticipated that this State will adopt the recommendation of the panel.

LICENSING ACT

*Minors: Amending Legislation*

4. Mr. HALL asked the Minister representing the Minister for Justice:

Is it the intention of the Government to bring in amendments to the Licensing Act to permit minors of 18 years of age to consume intoxicating liquor on licensed premises?

Mr. COURT replied:

A committee is to be appointed shortly to examine all aspects of the licensing laws. This matter will be considered at the same time.

HIGH SCHOOL

*Thornlie*

5. Mr. BATEMAN asked the Minister for Education:

Will he table the file concerning the proposed high school in Ovens Road, Thornlie?

Mr. LEWIS replied:

Yes.

*The file was tabled.*

INTEGRATED INDUSTRY AT ALBANY

*Assistance to J. J. Van Giels*

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

(1) Have approaches been made by J. J. Van Giels to the department for assistance and advice on establishing an integrated industry in Albany?

(2) What assistance and advice was offered by the department to Mr. Van Giels?

(3) Can he advise the feasibility of this industry and whether assistance will be forthcoming if Mr. Van Giels goes on with his project?

Mr. COURT replied:

(1) to (3) No formal approach has been made by Mr. Van Giels, although we know of his general interest in establishing an industry in Albany.

Mr. Van Giels knows that the department is ready and willing to discuss any proposal with him and assist him with the feasibility studies should he so desire.

7. *This question was postponed.*

OVERWIDTH LOADS

*Safety Precautions*

8. Mr. FLETCHER asked the Minister for Traffic:

(1) What precautions are taken in respect of preventing danger and inconvenience to public and private transport arising from the growing tendency to haul by road overwidth loads such as jinkered houses, heavy earth moving equipment, portions of industrial plant, etc.?

(2) Are present safety and other precautions considered adequate?

(3) If not, will he ensure that investigations are undertaken to review existing practices and regulations with a view to causing a minimum of danger and inconvenience to other vehicle drivers?

Mr. CRAIG replied:

(1) The movement of oversize loads is inseparable from the development of the State. These movements include agricultural implements, earth moving equipment buildings, and prefabricated structural sections. So long as adequate precautions are taken, such movements must be permitted.

The possibility of danger and inconvenience to the public by these overwidth loads is constantly under surveillance by police patrols to ensure that conditions of permits are being complied with.

Conditions under which oversize movements are permitted, or under which oversize vehicles may be licensed, have been promulgated by notice in the *Government Gazette*. I refer the honourable member to the *Government Gazettes* of the 14th February, 1969, pages 570 and 571, and the 10th March, 1967, at pages 696, 697, and 698.

(2) Yes.

(3) Answered by (1) and (2).

## BREATHALYSER TESTS

*Statistics*

9. Mr. FLETCHER asked the Minister for Police:

Can he, and if so, will he, supply figures for before and after the introduction of the 0.08 breathalyser test regulations which can be considered relative to a diminution of—

(a) traffic accidents;

(b) traffic fatalities;

(c) underage drinking;

(d) members of the public being consistently prosecuted for drunken driving?

Mr. CRAIG replied:

(a) to (d) These provisions became effective in December last. It is not considered that sufficient time has elapsed to enable any reliable assessment of their effect on the traffic accident pattern.

Twelve months is regarded as the minimum period required for comparison. When the accident statistics for 1969 become available some reliable assessment can be made, but any earlier attempt could produce misleading conclusions.

10. *This question was postponed.*

## CITRUS INDUSTRY

*Effect of Wiluna Project*

11. Mr. BATEMAN asked the Minister for Agriculture:

(1) Did he receive a protest from the Central Citrus Growers Council of Western Australia with respect to the granting of 2,000 acres of land to a man from Queensland to establish a citrus orchard in the Wiluna district?

(2) What guarantee will he give that fruit grown in the Wiluna district will not be sold locally and will only be grown for export?

(3) Is he aware that most of the citrus growers in Western Australia are selling their fruit under cost of production?

Mr. NALDER replied:

(1) Yes, on the 11th April, 1969.

(2) The project at Wiluna envisages initially the growing of rock melons mainly for export and Eastern States markets, and subsequently the growing of mandarins, and navel and valencia oranges, for both export and the Eastern States markets. Any surplus fruit placed on the local market will have the advantage of early maturity and should not compete with main crop fruit produced by local growers.

(3) No study has been made of the cost of production of citrus fruits in Western Australia.

12. *This question was postponed.*

## SCHOOL BUS TRANSPORT

*Overcrowding*

13. Mr. DUNN asked the Minister for Education:

(1) Has his department received a letter from the Kalamunda Shire Council regarding the overloading of a school bus driven by a Mr. S. Ayling and transporting students to the Governor Stirling High School and to the Kalamunda High School?

(2) In the event of the bus driver being prosecuted by the shire, will the Education Department accept the responsibility?

(3) In the meantime, what action is being taken to handle the matter according to the law and in so far as the comfort of the students is concerned?

Mr. LEWIS replied:

(1) No.

(2) This will depend on the circumstances and the nature of the charge.

(3) A reorganisation of existing arrangements has been determined with the object of adjusting the overloading by the beginning of the second school term.

## EXMOUTH JUNIOR HIGH SCHOOL

*Additions: Assistance from American Navy*

14. Mr. NORTON asked the Minister for Education:

(1) Has he now received official advice from the American Navy as to the extent it will assist with the additions to the Exmouth Junior High

School with respect to a home science, general science, and manual training centre?

(2) If "Yes," when will contracts be let for the building of these additions?

(3) Has the American Navy given any advice whether or not it intends to build more houses at Exmouth so that planning can commence for the extra school accommodation which would be required?

Mr. LEWIS replied:

(1) No.

(2) See answer to (1).

(3) More houses are to be built at Exmouth by the American Navy and this has been considered in the planning of extra school accommodation.

## POWER STATIONS

*Production Percentages*

15. Mr. JONES asked the Minister for Electricity:

What percentage of power was generated by the undermentioned power houses on a weekly basis since the week ending the 15th March, 1969:—

(a) Bunbury;

(b) Muja;

(c) South Fremantle;

(d) East Perth;

(e) Collie?

Mr. NALDER replied:

(a) to (e) —

| Week ending | East Perth | South Fremantle | Bunbury | Muja | Collie | Wellington Dam |
|---|---|---|---|---|---|---|
| | % | % | % | % | % | % |
| 22/3/1969 | .39 | 13.48 | 14.79 | 69.08 | 1.57 | .69 |
| 29/3/1969 | .... | 9.05 | 17.25 | 71.26 | 1.60 | .84 |
| 5/4/1969 | .33 | 10.89 | 4.63 | 82.08 | 1.64 | .43 |
| 12/4/1969 | .12 | 11.94 | 5.60 | 80.72 | 1.62 | .... |
| 19/4/1969 | .02 | 12.53 | 9.47 | 76.44 | 1.54 | .... |
| 26/4/1969 | .... | 13.19 | 6.13 | 79.06 | 1.62 | .... |

## FUEL OIL, KWINANA

*Contract Price*

16. Mr. JONES asked the Minister for Electricity:

(1) What is the contract price for fuel oil at the new Kwinana power house?

(2) If the reply is to the effect that the information is confidential, why is it confidential in view of the fact the price of coal consumed at the Muja, Collie, and Bunbury power houses is made public?

Mr. NALDER replied:

(1) The price of fuel oil is confidential.

(2) The price of oil is a business confidence of vital importance to the supplier and the user in a very competitive field. This is not so with coal in this State.

17. *This question was postponed.*

## COMMONWEALTH AID ROADS FUNDS

*Amounts Unallocated and Transfers*

18. Mr. JONES asked the Minister for Works:

(1) What amount of Commonwealth Aid Roads Funds was unallocated by the Main Roads Department at the 30th June, 1964, 1965, 1966, 1967, and 1968?

(2) What amount of Commonwealth Aid Roads Funds was unspent in Western Australia by local authorities to the 30th June, 1964, 1965, 1966, 1967, and 1968?

(3) From what sources is money transferred to the Main Roads Trust Account?

(4) Over what period was provision made in the Main Roads Trust Account to transfer in 1967-68—

(a) $3,000,000 for the Mitchell Freeway;

(b) $3,091,760 for the Main Roads Department new building?

Mr. ROSS HUTCHINSON replied:

(1) The Main Roads Department prepares an annual programme which absorbs the total Commonwealth road funds available to the State. The only unallocated sum is that set aside in an "unallotted" reserve which is used to meet financial commitments which could not be foreseen when the programme was being prepared. The balances of this "unallotted" reserve were as follows:—

| | $ |
|---|---|
| 30th June, 1964 .... | 278,121 |
| 30th June, 1965 .... | 41,569 |
| 30th June, 1966 .... | 55,930 |
| 30th June, 1967 .... | Nil |
| 30th June, 1968 .... | 105,630 |

(2) This information is not available from records held by the Main Roads Department.

(3) (a) Commonwealth funds—Commonwealth Aid Roads Act, 1964.

(b) Central Road Trust Fund—Traffic Act (section 14).

(c) Motor vehicle registration fees (metropolitan area) (one half base year—net).
Traffic Act (section 11A (c).

(d) Road Maintenance Contribution Fund.

(e) Funds from local and other authorities for works carried out on their behalf.

(f) Funds received under the Road and Air Transport Commission Act.

(g) Overload permit fees.

(4) (a) The Main Roads Department has been accumulating metropolitan traffic fees for the Mitchell Freeway, previously known as the Kwinana Freeway, for a number of years.

(b) $750,000 was provided in the department's 1967-68 programme of works. The balance was drawn from reserve funds which had been set aside prior to that financial year.

COAL CONTRACTS

*Discussions with Mining Companies*

19. Mr. JONES asked the Minister representing the Minister for Mines:

When does the Government intend commencing discussions with the coal mining companies in connection with the new Government coal contracts in order that the coalmining companies can consider manpower and other associated matters?

Mr. BOVELL replied:

At an early date.

COLLIE COAL

*Assessment of Reserves*

20. Mr. JONES asked the Minister representing the Minister for Mines:

Does he consider that the reserves of Collie coal can be accurately assessed without an additional boring programme being instituted at Collie?

Mr. BOVELL replied:

The report to be submitted by the New South Wales coal mining engineers on Collie is awaited. Further consideration will be given to the question when this report is received.

ALUMINA WORKS, PINJARRA

*Use of Power from Muja*

21. Mr. JONES asked the Minister for Industrial Development:

Will he investigate the possibility of using Muja power for the proposed new alumina works to be erected in the Pinjarra area?

Mr. COURT replied:

The question of power and its source is part of the complex studies being made by the Government, in conjunction with Western Aluminium N.L., of the south-west alumina project. In the studies all alternatives, including Muja, will be carefully considered.

KINGSLEY AND BUNGAREE SCHOOL OVALS

*Landscaping*

22. Mr. RUSHTON asked the Minister for Education:

(1) Is it intended that the Public Works Department landscape section will prepare development plans for grounds of new schools at Kingsley (Armadale) and Bungaree (Rockingham Park)?

(2) If "Yes," will it be necessary for these schools and their parents & citizens' associations to obtain Public Works Department approval for each phase of development when it conforms to this plan?

(3) As the parents & citizens' association at each of the abovenamed schools wishes to proceed now with developing an oval to provide a necessary facility for their fast growing schools, when will the landscape plan and specification be ready?

(4) What assistance will be available from the department towards ground and oval development?

Mr. LEWIS replied:

(1) The Public Works Department landscape section has been asked to prepare development plans for Kingsley and Bungaree primary schools.

(2) Yes.

(3) Not known at this stage.

(4) The normal subsidy conditions outlined in schedule 6 of the Education Act regulations will apply.

LIVING UNITS

*Metropolitan Area: Demolition*

23. Mr. JAMIESON asked the Premier:

(1) How many living units have been demolished by various Government departments in the metropolitan area since the 1st January, 1968?

(2) What is the policy of the Government in this respect in view of the housing shortage?

Mr. NALDER (for Mr. Brand) replied:

(1) and (2) As this information is not readily available, arrangements are in hand to obtain the details which, when available, will be communicated to the honourable member.

CEMENT

*Selling Price*

24. Mr. JAMIESON asked the Minister for Industrial Development:

What is the present selling price of cement per ton in each capital city to—

(a) the respective Governments;

(b) the industrial users;

(c) the general public?

Mr. COURT replied:

Preliminary information was supplied in answer to a similar question by the Leader of the Opposition on Tuesday the 25th March, 1969. Some further information is now available. A direct comparison is difficult, because in each State the price is quoted on a different basis. For example, one State has a price for a minimum order of five tons, another seven tons. In addition, in one State the price varies with the distance, ex works; in another, the price is constant throughout the metropolitan area.

The answers to the questions are as follows:—

(a) As far as has been ascertained, the respective Governments pay the same price for cement as other users. Further inquiries are being made.

(b) The price for industrial users —subject to the variation in methods of pricing in various States—is as follows:—

Cement Prices in Metropolitan Areas

| | $ per ton | |
|---|---|---|
| | Bulk | Bag |
| Hobart (1) .. | 29.12 | 30.63 |
| Sydney (2) .. | 25.98 | 29.10 |
| Perth (3) .. | 24.75 | 26.50 |
| Melbourne (4) | 22.10 | 24.60 |
| Brisbane (5) .. | 19.50 | 21.20 |
| Adelaide (6) .. | 20.67 | 22.86 |

Notes:

(1) Bulk price to industries, etc.—minimum 30 tons; bagged price to distributors—minimum 7 tons.

(2) Bagged price is the wholesale price charged to retailers.

(3) Bulk price for minimum of 12 tons; bagged price for minimum of 6 tons.

(4) Bagged price ex rail truck in metropolitan area.

(5) Preliminary information only.

(6) Bulk price varies with distance ex works.

(c) The price of cement to the general public is as follows:—

Hobart—As in table above, plus a merchant selling margin based on a sliding scale, depending on quantities.

Sydney—As in table above, plus a merchant selling margin.

Perth—As in table above.

Melbourne—As in table above.

Brisbane—Preliminary information as in above table.

Adelaide—As in table above.

I repeat what I mentioned earlier; namely, that I will make some further inquiries to try to broaden the information.

## MANDURAH PRIMARY SCHOOL

*Building Programme*

25. Mr. RUNCIMAN asked the Minister for Education:

(1) What is the anticipated building programme for the Mandurah Primary School in 1969-1970?

(2) Has the department any plans for a new primary school at Mandurah?

(3) What is the department's forward planning for Mandurah?

Mr. LEWIS replied:

(1) Two additional classrooms are listed for Mandurah on the 1969-70 building programme.

(2) No.

(3) Nothing is envisaged at this stage.

## PRIMARY SCHOOL

*Mundijong*

26. Mr. RUNCIMAN asked the Minister for Education:

(1) Has the department given consideration for the building of a new primary school at Mundijong?

(2) If so, what are its plans?

Mr. LEWIS replied:

(1) Yes.

(2) Three rooms are listed subject to availability of funds.

## NATIVE HOUSING

*City and Country Towns*

27. Mr. RUNCIMAN asked the Minister for Native Welfare:

(1) What is the department's policy regarding the providing of accommodation for natives—

(a) in the city;

(b) in the country towns?

(2) How many houses were built in 1968-69 in the South-West Land Division, and how many are planned for 1969-70?

Mr. LEWIS replied:

(1) (a) Hostel accommodation is provided for single working girls, apprentices, and students.

Conventional homes are provided for purchase or rental for families who are able to meet the commitment. Such homes are spread throughout the area and not grouped together.

(b) Conventional homes are provided as in (a) above and standard transitional homes are also provided where the local authority approves. Accommodation on reserves is also provided as a temporary measure until families can be provided with town houses.

(2) 1968-69 Completed—52 conventional; four standard transitional. Under contract—36 conventional; 13 standard transitional.

1969-70 Information is not available until finance to be provided by the Commonwealth Government is known.

## INDUSTRIAL COMPLEX

*Northern Suburbs*

28. Mr. BURKE asked the Minister for Industrial Development:

In view of the increasing population in suburbs north of the city:—

(1) Is the Department of Industrial Development considering any proposal for the development of an industrial complex in the developing northern suburbs?

(2) If "Yes," would he outline the proposals and indicate the possible location of any future industrial complex?

(3) If "Yes," when is development likely to commence?

Mr. COURT replied:

(1) Yes.

(2) and (3) Proposals—additional to land already zoned for industry—are at a very tentative stage and, in view of all the town planning and other problems involved, it would be premature to endeavour to define such things as requested.

29. and 30. *These questions were postponed.*

## HOUSES: DEMOLITION

*Mitchell Freeway Route*

31. Mr. BURKE asked the Minister for Works:

In view of the fact that—

(a) the Mitchell Freeway project is well behind schedule;

(b) we are at present faced with a housing shortage,

will he investigate the possibility of delaying the demolition of houses in James Street, Charles Street, and any other street in the path of the proposed freeway until such time as the land is actually required?

Mr. ROSS HUTCHINSON replied:

It has always been the practice of the Main Roads Department to delay the demolition of habitable houses until the land is immediately required for planned road works. This policy is being applied to land required for the Mitchell Freeway project.

*West Perth Station Area*

32. Mr. BURKE asked the Minister for Railways:

(1) Why were the houses at the West Perth station demolished?

(2) What is the area on which the houses were standing being used for at present?

Mr. O'CONNOR replied:

(1) Demolition was necessary to meet the requirements of the Mitchell Freeway project.

(2) The land is now under the control of Main Roads Department for the purposes of this project.

## NATIVES

*Integration in New Housing Areas*

33. Mr. BURKE asked the Minister for Housing:

(1) Has the State Housing Commission a policy whereby aboriginal family units are integrated into new Housing Commission areas?

(2) Has there been criticism of the commission establishing aboroginal families in these areas?

(3) Has the policy been varied in any way in recent times?

Mr. O'NEIL replied:

(1) Some building lots within State Housing Commission estates are allocated to the Departement of Native Welfare for the erection of houses by that department. Commission homes are allocated to applicants without regard to race or colour.

(2) Whilst there have been isolated complaints about the behaviour of some commission tenants, these are not confined to any particular race of colour. I am not aware of any criticism of the general policy.

(3) No.

## CRUDE OIL

*Production and Refining*

34. Mr. BURKE asked the Minister representing the Minister for Mines:

(1) How much crude oil has been produced by Western Australian fields to date?

(2) What percentage of the crude oil produced in Western Australian fields has been refined at the Kwinana refinery?

(3) Where has the rest been refined?

Mr. BOVELL replied:

(1) Gross production to the end of March, 1969, is 18,485,932 barrels.

(2) 26.498 per cent.

(3)

| | Per cent. |
|---|---|
| Kurnell, N.S.W. | 22.758 |
| Altona, Vic. | 15.579 |
| Geelong, Vic. | 25.469 |
| Port Stanvac, S.A. | 7.754 |
| Brisbane, Qld. | 1.133 |
| Singapore | .809 |

## SINGLE-UNIT ACCOMMODATION

*Applications*

35. Mr. BURKE asked the Minister for Housing:

(1) How many applications for single-unit accommodation were outstanding at the 1st January, 1969?

(2) How many applicants have been disqualified since the recent introduction of new criteria for eligibility for single-unit assistance?

(3) Have all applicants been advised of the new criteria?

(4) How many applicants were listed for assistance at the 25th April, 1969?

Mr. O'NEIL replied:

(1) Metropolitan—1,125.
Country—86.

(2) and (3) There has been no recent introduction of new criteria for eligibility for single-unit assistance. The general principle of assisting those in greatest need has always applied in allocation of this class of accommodation. An analysis of the applications indicates that 902 applicants do not fall within the criteria set in respect to either income or cash or liquid assets. These applicants are being progressively advised.

(4) Metropolitan—1,234.
Country—96.

## STATE ELECTRICITY COMMISSION

*Employee Representative*

36. Mr. BURKE asked the Minister for Electricity:

(1) Has he appointed an employee representative on the State Electricity Commission?

(2) If "Yes," who was selected?

(3) Is he aware that the three names presented are in order of employee preference, established by democratic ballot among interested employee organisations?

(4) Were any of the nominees interviewed by a representative of the commission?

Mr. NALDER replied:

(1) Yes.

(2) J. H. Reed.

(3) Section 8 (3b) of the State Electricity Commission Act provides for a panel of three names to be submitted by the Western Australian branch of the Australian Labor Party to the Minister who shall nominate for the office of commissioner as representative of the employees of the commission one of the persons whose names are so submitted.

(4) Yes.

37. *This question was postponed.*

## MEDICAL DEPARTMENT'S ANNUAL REPORT

*Tabling*

38. Mr. BURKE asked the Minister representing the Minister for Health:

When is the Medical Department's annual report for the year ended the 30th June, 1968, likely to be tabled in the House?

Mr. ROSS HUTCHINSON replied:

In the June sitting.

## BOND CORPORATION LAND

*Rezoning*

39. Mr. BURKE asked the Premier:

(1) Was the Minister for Town Planning and Local Government correctly quoted in *The West Australian* of the 14th December, 1968 where, in reference to the acquisition of 5,080 acres of land by the Bond Corporation, he is alleged to have said that there was no prospect of the early rezoning of the land to urban?

(2) Has there been any change in the Government's attitude in relation to the possible rezoning of land held by the Bond Corporation since the inclusion of the Minister

for Industrial Development on the Cabinet subcommittee for housing and services?

Mr. NALDER (for Mr. Brand) replied:

(1) Yes.

(2) No.

## WEEKEND NIGHT TRAINS

*Abolition of Service*

40. Mr. BRADY asked the Minister for Railways:

(1) Is the Railways Department still considering abolishing weekend night trains?

(2) What consideration is being given to the economics of motive power, plant, and railroad lying idle, and other fixed costs, as against earning some income and giving a service to the public?

(3) When will a decision be made in regard to the above matter?

(4) Has consideration been given to the overall effect of bus competition with trains?

Mr. O'CONNOR replied:

(1) The department has been instructed to examine the overall economics of reducing services in off-peak hours.

(2) These considerations are being taken into account in the examination.

(3) Not until the position has been thoroughly examined.

(4) Yes, but as the Perth region grows we must tend to think of bus and rail as being component parts of an urban transportation system to be looked at as a whole.
From this point of view each has a distinctive part to play related to its technical abilities.

## ABATTOIR BOARD

*Representation of Meat Industry Union*

41. Mr. BRADY asked the Minister for Agriculture:

(1) Further to the deputation which waited on him towards the end of 1968, has he considered the representations made by the Meat Industry Union for a representative to be appointed to the Abattoir Board?

(2) Can he advise if a decision has been made, and when the union can expect a copy of the decision?

Mr. NALDER replied:

(1) Yes.

(2) A decision has been made, and advice will be forwarded to the honourable member at an early date.

## WATER SUPPLIES

*Dardanup*

42. Mr. I. W. MANNING asked the Minister for Water Supplies:

(1) Is the Public Works Department currently planning a water scheme for the township of Dardanup?

(2) If "Yes," when will the scheme be implemented?

(3) If "No," what are the obstacles to the provision of a water scheme for Dardanup?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) The work has been listed for consideration in the 1969-70 draft loan programme.

(3) Answered by (2).

## RENTAL HOMES

*Eligibility of Natives*

43. Mr. RUNCIMAN asked the Minister for Native Welfare:

(1) Are natives eligible to obtain State Housing Commission rental homes?

(2) If so, how many are occupying such homes?

Mr. LEWIS replied:

(1) Yes.

(2) No separate record is kept by the State Housing Commission.

## CANNINGTON HIGH SCHOOL

*Demountable Classrooms*

44. Mr. BATEMAN asked the Minister for Education:

(1) How many demountable classrooms will be installed at the Cannington High School to allow for the 1970 intake?

(2) Are toilet facilities adequate for the 1970 intake?

(3) In view of his statement that the demountable classrooms will only be of a temporary nature, what period of time does he consider temporary?

*Teachers*

(4) Will there be sufficient teachers with the necessary high school training qualifications to teach all grades at Cannington High School in 1970?

(5) Are there teachers teaching at Cannington High School at present without the necessary high school teaching qualifications?

(6) If answer to (5) is "Yes," how many?

(7) How many teachers are employed on the temporary teaching staff at Cannington High School?

Mr. LEWIS replied:

(1) The number to be installed will depend on estimated enrolments. These figures are not yet available.
(2) Yes.
(3) Until the end of 1970.
(4) Yes.
(5) No.
(6) See answer to (5).
(7) Seventeen.

## DE LEUW CATHER & CO.

*Contracts*

45 Mr. DAVIES asked the Minister for Works:

(1) Has the firm of De Leuw Cather & Co. been awarded any commissions or contracts other than those listed in reply to my question of the 17th October, 1968?
(2) If so, what is the nature of such work?

Mr. ROSS HUTCHINSON replied:

(1) The Main Roads Department is at present negotiating with De Leuw Cather & Co. to undertake further designs of the Hamilton interchange and the northward extension of the Mitchell Freeway.
(2) Answered by (1).

## ELECTRICITY SERVICE

*Bunning Estate*

46. Mr. MAY asked the Minister for Electricity:

(1) In view of the announcement by the Premier with regard to the proposed $5,000,000 housing scheme at Bentley, will he give urgent consideration to the supply of electricity to the area known as the Bunning Estate—adjacent to the new housing complex—without requesting contributions from future consumers in this area?
(2) Does he not agree that the Premier's announcement should provide justification for the small area of the Bunning Estate to be completely serviced by electricity?

Mr. NALDER replied:

(1) and (2) Economically, the State Electricity Commission can only carry out extensions for domestic purposes at the rate of three poles and three bays of conductor to the occupier of each completed home.

## HOUSING

*Bentley Project: Accommodation*

47 Mr. MAY asked the Minister for Housing:

In connection with the Premier's recent announcement concerning the proposed housing scheme at Bentley, will he advise:—

(1) Is this scheme similar in principle to the one highlighted at the 51st Convention of the Australasian Town Planning held in Adelaide in 1967?
(2) What is the anticipated number of persons to be accommodated?

Mr. O'NEIL replied:

(1) Yes.
(2) Approximately 1,800 persons.

## TRAFFIC LIGHTS

*Great Eastern Highway-Cornwall Street Intersection*

48. Mr. DAVIES asked the Minister for Works:

(1) What is the cause of the delay in the installation of traffic lights at the intersection of Great Eastern Highway and Cornwall Street, Rivervale?
(2) When will the work be carried out?

Mr. ROSS HUTCHINSON replied:

(1) Delay in installation of traffic control signals at Great Eastern Highway-Cornwall Street, Rivervale, has been due to the equipment supply position and the relative priority of other works.
(2) The work is now in hand. Pole erection commenced on Monday, the 28th April, and the intersection is due for commissioning about the 8th May.

## PETROLEUM (SUBMERGED LANDS) ACT

*Minister's Authority: Delegation*

49. Mr. JAMIESON asked the Minister representing the Minister for Mines:

(1) As the designated authority for Western Australia appointed under the Petroleum (Submerged Lands) Act, 1967-68 has he surrendered his authority to any person or persons in respect of the supervision of any or all of the wells being drilled subject to the above Act?
(2) If so, to whom have these powers been surrendered and what is the position held by each individual?

Mr. BOVELL replied:

(1) No.
(2) Answered by (1).

## FIREARMS AND GUNS ACT

*Proclamation, and Effect on Riflemen*

50. Mr. BRADY asked the Minister for Police:

(1) Has the amending Act relating to firearms used by rifle club members been put into operation?

(2) What is the current position with—

(a) local riflemen;
(b) visiting riflemen?

Mr. CRAIG replied:

(1) No.

(2) The exemption in favour of members of rifle clubs is being continued pending re-examination of the legal position.

51. *This question was postponed.*

## SOLICITOR-GENERAL BILL

*Second Reading*

Debate resumed from the 24th April.

**MR. BERTRAM** (Mt. Hawthorn) [2.57 p.m.]: I am pleased to say I support this Bill. It is quite different from what has become almost customary in a number of cases.

Mr. Ross Hutchinson: There must be something wrong with it!

Mr. BERTRAM: The reasons for its being before us, and the justification for its having been introduced, have been set out by the Minister in his second reading speech. It is also some comfort to observe that we will not be the last State to bring about such an innovation. We follow the Commonwealth which set up a statutory office of Solicitor-General back in 1916. Victoria has also done this.

We appear to be next in line, and it is good we are not being geared to the slowest State. For many years the office of Solicitor-General has been part of the structure of the Crown Law Department, at least as I understand it. Accordingly, the name "Solicitor-General" will not be new as a result of this Bill.

What will be new and what will be different is that the Solicitor-General will now be a creature of Statute and, as I see the position, he will be quite separate from the Crown Law Department. It is also noted that the appointee to the position of Solicitor-General will not necessarily come from the ranks of the Crown Law Department; the appointment may be made from outside of this department. This seems to be very worthwhile.

The Solicitor-General happens to represent the population—which is about 900,000—from time to time in the highest courts of the land and elsewhere, and I cannot see why we should restrict ourselves to appointments from within the Crown Law Department. We should select the best man, because the people of the State are entitled to this and no less.

Not only will the Solicitor-General appear in the Supreme Court and the High Court, but from time to time, so long as the right of appeal exists as it does today, he may also appear before the Privy Council. It is to be hoped that this right of appeal will not last very much longer, because it does seem to me to be a little odd that in a country such as ours we should resort to a place 12,000 miles away to find out what the law is here, and that the law of this country should be determined by people who perhaps do not live here, did not originate here, or have not been here. That is, however, another matter.

The Solicitor-General represents this State and holds a very onerous and responsible position. It is only right that the way should be open to enable us to get the best person for the job. Having agreed on the principle we can go on, but perhaps before we go on I should say we have been told that one of the reasons for this Bill to set up the Solicitor-General outside, as it were, the Crown Law Department is that up to now and for many years past he has found himself bogged down in the mundane—which might not be the best term to use—matters of administration and other duties. This seems to me to be also a most odd situation; and it is quite unecomonic. It might not have mattered when the Crown Law Department consisted of not so many bodies; but now, and for many years past, there have been up to 40 officers in the department.

It does not follow that because a man is a brilliant lawyer or a Queen's Counsel he is necessarily a good administrator. He may not be. So far as I understand, he is not trained as an administrator; and his temperament may be quite foreign to it. What is more important he may not be interested in the duties of an administrator. Therefore I think it is quite right that the administration of the department should be placed in the hands of somebody else.

Once we agree that there is a need to separate the Solicitor-General from the chief executive officer—if that is the way to term the administrative head of the Crown Law Department—and to separate their duties, and this is obviously the right thing to do, then one does not need to have a lot of imagination to see that it would be incongruous to have them in the one department. We can imagine the staff of the Solicitor-General quite unconsciously showing allegiance to him, as against allegiance to the administrator. Surely it is much better to place them in separate sections; and that is what this Bill will achieve. That is another reason why I believe it is a very good move.

It seems to me that this Statute will do another thing: it will create within the

Government law department—for want of another name—a situation analogous to that which we find outside of the Government law offices to some extent. In these days in Western Australia we have certain legal practitioners who practise as solicitors solely, while others only practise as barristers. It seems that this Statute will allow a similar type of operation to take place so far as the State law officers are concerned. In my opinion this envisages that the Solicitor-General will play the role of counsel appearing in significant litigation and in giving opinions on matters of some moment.

Having therefore agreed that this Bill and what it seeks to do are worth while, it becomes a question of whether the manner of implementation is efficacious; and I believe it is. The Solicitor-General will be treated in some respects, from the point of view of remuneration, salary, or emolument, as being equal to a puisne judge. This also seems to me to be fair enough.

We have been told that Mr. R. D. Wilson, Q.C., is to be the person to be appointed in the first instance. As members are aware, he is, and may still be, acting as a commissioner of the Supreme Court. This, of course, indicates his status in the profession; it also indicates his readiness for promotion to the bench.

By reason of the status and the importance of the position of Solicitor-General, it seems to me that the Government has a duty to go to some lengths to make sure it gets the best person for the job. The fact that he is to be remunerated at the same rate as a puisne judge indicates the importance of the position. To me it would seem most unfair that where a person was ready in every sense for promotion to the bench, and the Government believed his services to be so valuable that he should be retained at the bar—and he was agreeable to that—he should remain off the bench with a loss of reward.

I think it is very good that the man to be appointed should be placed as near as possible to the status of a puisne judge of the Supreme Court. Suffice then in conclusion to say it is good to see that Mr. Wilson has been appointed to this office, as I am aware of the tremendous skill and energy he possesses. I understand he has come up from the lower rungs of the Crown Law Department; that he served in the last war; that after he returned he studied; and that from then on he has gone from strength to strength. It is wonderful to see the success he has achieved. I am sure that I speak for every member on this side of the House when I extend to him congratulations on his appointment.

**MR. COURT** (Nedlands—Minister for Industrial Development) [3.8 p.m.]: I thank the member for Mt. Hawthorn for his support of the Bill. As he said when he commenced his remarks, it is most unusual to have his support on any measure. I think this is a measure that we need, and it is gratifying that in speaking on behalf of the Opposition he has assured the Government of its support.

I do not intend to be drawn by his reference to the Privy Council. We may have different views on this question, but it is not a question which is before us. This Bill deals purely with the creation of the statutory appointment of Solicitor-General.

The remarks of the honourable member in relation to Mr. Wilson, Q.C., are in line with the Government's thinking. It is very proper that the member for Mt. Hawthorn should have measured the standing of the Solicitor-General as equal to that of a puisne judge. I think it is fair to say that any person who is sufficiently well thought of by the Government of the day, and by his profession, to be appointed Solicitor-General is, in fact, obviously judge material—if that is the phrase to use in respect of judges.

I thank the honourable member for his support, and I can assure him that one of the objectives of my colleague, the Minister for Justice, in bringing this Bill down is to do the very thing the honourable member mentioned; namely, to streamline the procedures so that the Solicitor-General can, in fact, fulfil the proper duties of that office instead of being burdened with a great mass of unnecessary detail.

I do not quite follow the remarks of the honourable member in respect of administration. He said that the senior solicitors in the other parts of the Crown Law Department's activities could be caught up with administrative duties. I would respectfully point out that the department has an organisation on the administrative side, headed by the Under-Secretary for Law. I would not like the honourable member to think the highly qualified legal people get caught up in the everyday chores of administration.

Question put and passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Resignation and retirement—

Mr. BERTRAM: I wish to refer to subclause (2) which states that the Solicitor-General shall retire at the age of 65. I think judges retire at 70. If that is so, there could be a case where a skilled Solicitor-General going strong at 65 years would find himself retired from that office. If judges can go on to 70 years, why not a Solicitor-General?

Mr. COURT: What the honourable member says is correct. Judges do retire

at the age of 70, as evidenced by the fact that the Chief Justice retired yesterday and is 70 today. However, in looking at the position of the Solicitor-General, one finds it is slightly different from that of a judge, because the Solicitor-General will, in substantial measure, be working alongside officers, whether they be administrative or professional, who are governed by Public Service conditions. There could be an incongruous situation if a Solicitor-General were permitted to continue to work until he reached the age of 70.

I suggest it is not improbable that a person who adorns this office to the satisfaction of all concerned would go onto the bench before he reached the age of 65. I think it is fair to say—and my colleague has authorised me to say this—it was generally considered in the community that Mr. Wilson would be one of the next judges appointed; and we are very pleased he saw fit to agree to be Solicitor-General instead of accepting a judgeship which, in the minds of some solicitors, would be regarded as a higher office.

He is a comparatively young man and it is not improbable that he may one day finish up on the bench. The Solicitor-General will be working in a different atmosphere from that of a judge and it is considered desirable that he should retire at 65, bearing in mind the other alternative, that the man who adorns this office with credit and satisfaction to the community, generally, as well as to the Government, might go onto the bench before he reaches the age of 65, when he would automatically come under the conditions applying to judges.

I think the legislation has, in some respects, foreshadowed that such a situation could arise, and, I think, very wisely so.

Clause put and passed.

Clauses 6 to 13 put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

**MR. COURT** (Nedlands—Minister for Industrial Development) [3.16 p.m.]: I move—

That the Bill be now read a third time.

I hark back to some comments made in the Committee stage regarding the possibility of an appointee going on to the bench. At that time, I could not pick up the clause quickly enough, but if the honourable member will look at clause 12 he will see the significance of what I was saying.

Question put and passed.

Bill read a third time and transmitted to the Council.

## NORTHERN DEVELOPMENTS PTY. LIMITED AGREEMENT BILL

*Second Reading*

Debate resumed from the 24th April.

**MR. NORTON** (Gascoyne) [3.17 p.m.]: In this Bill we probably have a situation which has not arisen before in this House. The Bill is asking us to ratify a rewritten agreement with Northern Developments Pty. Limited, which company, I understand, due to failure to carry out its previous agreement, virtually forfeited the area designated in this agreement.

In introducing the Bill, the Minister gave very little reason for the rewriting of the agreement. In fact, the reason he did state was, "because of the proposed sale of shares in Northern Developments Pty. Limited to other interests."

If we read paragraph (b) of the preamble to the agreement, we will find a little difference in the reason for the rewriting of the agreement. The preamble reads as follows:—

> Owing to a major change in the beneficial shareholdings in the Company it has become desirable in the interests of both parties . . . .

On the one hand, the Minister's speech indicates that the whole of the company has been sold out to shareholders, while, on the other, the preamble suggests the major portion is being sold.

The Minister did not give any indication as to who the likely purchaser would be. We had to wait until we read the daily paper to find out; and, according to *The West Australian* of Saturday, the 26th April, the company concerned is the Australian Land and Cattle Co. Ltd., a new company with American financial backing. I think the Minister could have indicated in his speech that this would happen. The Minister did mention that the company had applied to him for extension of the lease for three years, and he rightly pointed out that it would have been necessary to come to Parliament to obtain ratification of such an extension. He also gave the reasons for the company requesting such extension, as follows:—

> (a) that during the entire period of the license the company had suffered a series of critical setbacks;

That is quite correct. To continue—

> (b) during both 1967 and 1968 in the wet season the land was completely flooded, to the effect that in 1967, 1,500 acres of rice plantings were destroyed, and in 1968 no plantings could be made;

One would have thought that a company, which had held a lease such as this for over 10 years, would take the precaution to construct levee banks to protect itself against such an occasion. Continuing—

> (c) the company was most seriously short of finance;

It is well known that the company expended quite an amount of finance on the development so far as it went and got very little return for it. But when we have a look later on at the composition of the company we wonder why it became short of finance. To continue—

> (d) the company was hampered by the non-availability of a suitable strain of rice to grow on the area which would give an economic return.

When considering that particular statement, we must go back over the history of the Camballin area prior to the drawing up and signing of the agreement in 1957. In 1949 Mr. Farley, who had business interests in the Eastern States, came to Western Australia and was interested in this particular area. At the same time he met Mr. Kim Durack who was also interested in the development and growing of rice, and he undertook to carry out experiments on Mr. Farley's behalf; and not only on Mr. Farley's behalf, but also, I understand, on behalf of Australian Rice Pty. Ltd., Waters Trading Co., Robert Harper & Co. Ltd., Clifford Love & Co. Ltd., Parsons Bros. & Co. Ltd., James F. McKenzie & Co., and the Murrami Rice Mill Co. These firms are all rice processors and distributors in the Eastern States, and command a large amount of capital. With these companies behind the project and experiments, something worth while should have occurred.

Mr. Kim Durack duly carried out various experiments and in 1956, the year before the agreement was drawn up, he produced an average of 2 tons 3 cwt. per acre over 60 acres. He proved at that time that there was a suitable strain of rice which could be grown in the area economically. I understand from reports that it would have been necessary in that particular area at that time, and from then on, to produce 30 cwt. to the acre for the project to pay its way. During Mr. Durack's experiment, and afterwards, considerable trouble was experienced in respect of native companions, or brolgas as they are known, and wild geese. These caused a considerable amount of damage to young and growing crops.

After the company was formed and the agreement signed, Mr. Durack took on the management of the company, but it was not long before he was replaced by a Mr. Gorey from the Eastern States. He did not seem to have the same success Mr. Durack had, and one almost wonders what was taking place in the area at that time because if we look back at the history of rice-growing in New South Wales, we find that the Murrumbidgee area was coming into production then. It could have been that it was a far more economical proposition to get the rice from that area.

Also during the term of the agreement which this agreement is cancelling, I understand the company progressively purchased the shares in Liveringa Station. Therefore as well as the interest in the Camballin area, the company had the leasehold of Liveringa.

I want to turn to the terms in this agreement and compare some of them with those in the old agreement. Quite a large number of terms and conditions set out in this agreement are almost identical with those in the original one, but there are quite a number of extra clauses and conditions included in the new agreement. The area of land, for instance, has been increased from 20,000 acres to 50,000 acres. Also in the new agreement is the right of subdivision—and this is not in the previous agreement—that is, the right of subdivision and sale.

Also in this agreement is provision for the formation of an irrigation board. There is a clause relating to by-laws, as was the situation in the original agreement. In both agreements also is a variations clause. The Land Act, and the Rights in Water and Irrigation Act, are, in this Bill, deemed to be varied, modified, and amended, to suit the terms of the Bill, and section 136 of the Land Act is not to apply.

As far as I can see those are the major changes, but in the Bill itself, of course, there is one extra clause—that is, clause 5—which does not appear in the original Bill, and again this is the particular clause which has come up in every agreement before this House in the last two or three sessions. It is the clause which affects the Interpretation Act and is the one under which by-laws can be made by the company. When they have been made and approved by the Governor and laid on the Table of the House, they cannot, because of the waiving of the provisions of the Interpretation Act, be challenged.

If we have a look at that particular clause in the old agreement—that is, clause 15—we will find not only was the company protected, but also the Parliament and the people of Western Australia. The clause reads—

> The company shall forthwith and at all times duly and punctually comply with observe carry out and conform to all statutes now or hereafter in force and all ordinances regulations and by-laws thereunder and all requirements and orders of any authority statutory or otherwise in all cases affecting a parcel the licensee or occupier thereof or any business carried on upon the parcel or the use of the parcel.

In the new agreement, of course, is a different clause; that is, clause 16. This refers to by-laws which may be made by the board set up to govern the irrigation scheme at Camballin.

The Board may be set up after the first subdivision, and after the land has been transferred under freehold to the new

owner. The board will consist of a nominee of the Minister for Water Supplies, who shall be chairman, one member nominated by the company, and one nominated by the proprietors referred to in subclause (1) of clause 15. Where there is only one person who is a proprietor or a purchaser, then that person shall be a member of the board.

The board then, in accordance with the agreement, has the right to make by-laws relating to the sale of the water. As I have said, those by-laws cannot be amended or altered in any way and are sacrosanct, I might say, to that particular area. However, we already have on the Statute book the Rights in Water and Irrigation Act, which provides ample scope for such a board to make by-laws. In fact, various boards exist throughout the irrigated areas of the State, and those boards have been formed under the Rights in Water and Irrigation Act. Each board can make recommendations to the Minister, and the Minister can have those recommendations gazetted in the form of regulations. In fact, such rules and regulations have been gazetted for the Carnarvon area, and every now and again we hear of regulations being tabled regarding the Harvey area.

So I feel there is no reason at all to vary, modify, or repeal the Rights in Water and Irrigation Act with respect to the irrigation area at Camballin. Machinery already exists to cover the Camballin proposition.

The company has the right to subdivide any parcel of land after the land has been fully developed and has been proved to be of economic value. The company can only subdivide half of each parcel, and I would interpret that to mean a parcel of 5,000 acres. The freehold of such a subdivision will be transferred to the respective purchaser.

The variations clause which has appeared in all the agreements which have come before us again appears in this particular agreement. In the original agreement, clause 16 contains the variations, and the clause reads as follows:—

> ANY obligation or right under the provisions of or any plan referred to in this Agreement may from time to time be cancelled added to varied or substituted by agreement under seal between the parties hereto so long as such cancellation addition variation or substitution shall not constitute a material or substantial alteration of the obligation or rights of either party under this Agreement.

I think that is a very fair and well-worded clause in the original agreement.. However, let us compare that clause with clause 24 of the present agreement, which sets out the variations. It reads as follows:—

> The parties hereto may from time to time by mutual agreement in writing add to, vary or cancel all or any of the provisions of the Agreement or any licence or right granted hereunder or pursuant hereto for the purposes of more efficiently or satisfactorily implementing or facilitating the carrying out of such provisions or of any of the objects or purposes of this Agreement.

Mr. Bovell: That is fair enough, surely.

Mr. NORTON: It is not nearly as fair for the State as the variations clause inserted in the 1957 agreement. This present clause does not say that the variations must be in conformity with the general understanding of the agreement as it is presented to the House today. The original clause states that the variations must not materially alter the provisions of the agreement, but this present clause allows alterations in every respect. In effect, it is like some of the motions that come before this House when an amendment is moved to delete all words after the word, "that" and a whole new amendment is inserted. That is what the present variations clause virtually means: that the whole agreement can be cancelled and a new start made from the beginning.

Again we have a modification of the Land Act, and I fail to see why that Act, with the exception of section 136, needs to be modified, varied, or repealed to suit this particular agreement. I can well understand why it is necessary to vary that particular section, because it relates directly to subdivisions. It states that all subdivisions must be rectangular, and that their depth must not be more than three times their breadth.

That section of the Land Act is understandable in normal subdivisions, but in an area like Camballin where there are creeks, rivers, and irrigation channels, its enforcement is not practicable in any way. Therefore, as far as I can see, that is the only provision in the Land Act which would require to be varied or bypassed.

It seems to me that the main reasons for renegotiating this agreement are to give Nothern Developments Pty. Limited an opportunity to sell its interest in the Camballin area and, perhaps to sell its interest in Liveringa Station.

When one looks at the clause in the agreement relating to what has to be grown, it will be seen that one-fifth of the area has to be sown to rice, and the other areas may be sown to various crops approved by the Minister from time to time. It is also suggested that such crops shall be those that would be suitable for rotation. It appears to me that a large portion of the area, in which the rotational crops are grown, could be used for cattle raising and fattening. This is good, because it will mean further development and will also help to keep down the running costs and make the whole project more profitable.

As I said before, the company spent many thousands of dollars in carrying out the previous experiments. One wonders just why it failed, especially as the company had money behind it and it should have had the know-how.

I might ask the Minister for Lands a similar question to the one he asked when he spoke to the 1957 agreement. At the time he said—

> What assurance have we from the Minister that the present company that is taking over has the financial standing to carry out the obligations of the agreement?

Perhaps the Minister will recall that this was the question which he posed as a private member to the then Minister for Lands (The Hon. E. K. Hoar). The Minister has not given us any idea at all on this occasion of the standing of the company; nor has he given us any idea whatsoever of the intended new shareholding of the company.

I wish, again, very strongly to protest against the inoperation of by-laws as far as Parliament is concerned. I cannot see why the provisions of the Land Act and the Rights in Water and Irrigation Act should not apply. When laws exist, then I believe they should be enforced. If it is found that the existing laws need amendment or modification, then Parliament should take the necessary action.

Any development in the remoter areas of the State which can be encouraged to take place is worth while. However, Parliament should ensure that all agreements are to the best advantage not only of the persons who are negotiating the agreements but also of the State. I consider that if Parliament retains control over the various Acts, regulations, and so on, then Parliament will be doing what it should for the State. With those remarks I support the Bill.

**MR. RIDGE** (Kimberley) [3.43 p.m.]: Unfortunately, the project at Camballin has been plagued by bad luck and other problems, and I think that all members now know that the exercise there never came up to the expectations of the Government or, for that matter, the Opposition, of 1957.

At the time the original agreement was signed there were very good reasons for being enthusiastic about the prospects of growing rice in commercial quantities along the Fitzroy River: because, as the member for Gascoyne said a short while ago, Kim Durack, who pioneered the experiments in the area, had just stripped 88 acres of crop with a resultant yield of something in excess of 2 tons to the acre. I appreciate that the situation has probably changed fairly considerably since then, but in 1955 a yield of 2 tons 3 cwt. was as good as, or better than, the yield of any commercial ventures in the world at the time; and it had been achieved without any of the sophisticated water storage facilities or control works which are in evidence at Camballin today.

The member for Gascoyne also said that Northern Developments Pty. Limited failed to reproduce Durack's results. The first large-scale plantings were made in 1958-59 when two varieties were planted. One variety yielded 22 cwt. to the acre and the other yielded 26 cwt. In following years the yields were appreciably lower and it became increasingly obvious that the varieties were not suited to the area. However, the company then turned to a variety known as HD19 which had been developed by the C.S.I.R.O. at Darwin. Although it yielded 2¼ tons to the acre on an experimental plot at Camballin, trouble was experienced with bird and vermin damage which, together with shedding at harvest, reduced the yield to about 25 cwt. to the acre.

*Sitting suspended from 3.45 to 4.5 p.m.*

Mr. RIDGE: Before the suspension I was explaining that Northern Developments Pty. Limited had never been able to achieve the results that Kim Durack achieved prior to the signing of the original agreement. I do not think in this instance it was a case of management techniques being responsible for not achieving the desired results; I think it was more the result of trouble the company experienced with weed infestation, birds, floods, and flood damage to the irrigation channels, and also water limitations.

Probably the greatest problem experienced was the severe lack of capital for development and experimental work. But this is all history and it is now time to look to the future, and in doing so I think the experiences of Kim Durack and Northern Developments Pty. Limited should not be regarded as failures, but as lessons. If we are to exploit the Kimberley region successfully, we will have to learn a lot more from various lessons. We can only learn on a trial and error basis.

Having provided the water storage facilities and control works on the Fitzroy, and in view of the fact that the property has changed hands, we have an obligation to see that the assets are put to the best possible use. I consider that the Bill before the House will achieve this.

The situation now is a very different one from that which obtained when Northern Developments Pty. Limited commenced work in the area, because the new company can benefit from years of research into fertiliser trials, variety introduction and variety testing, and water and weed control experiments.

The company can also profit from trials which have been carried out with pasture crops, fodder crops, legumes, and other types of grain. I appreciate that there are still a great many problems to be over-

come, but none of those problems is insurmountable. As the member for Gascoyne said, Kim Durack proved that rice could be grown on a commercial scale along the Fitzroy River, and I suggest it is up to us now to see that the experiments continue; and given the opportunity, the country will come into its own. I support the Bill.

**MR. BERTRAM** (Mt. Hawthorn) [4.8 p.m.]: I do not find myself able to support the Bill at this stage, and I will seek to indicate my reasons. Of course, if the Minister can dispel my concern to my satisfaction and to the satisfaction of others who are listening, then I shall be very happy.

In 1957 an agreement was entered into between Northern Developments Pty. Limited and the State of Western Australia. Northern Developments is a foreign company and was incorporated in New South Wales in the 1950s. It was registered in Western Australia in February, 1957, and the agreement was entered into round about the same time—I think it was shortly after the company was registered here.

I believe the shareholders in the company—I do not know—do not live in Western Australia, nor did they ever. However, this is subject to correction and it is not particularly relevant. In any event, the shareholders have coontributed something like $560,000 of paid up capital, all of which has been lost, with $58,000 to spare.

Such assets as the company has are subject to bills of sale, and so on, over different chattels of one sort and another, and possibly are also subject to some mortgages. In addition, it has some creditors and a search made of the Companies Office file shows that the total is $137,000 odd. But in any event its appropriation profit and loss account shows $622,400 in 12 years. That is the company's performance on one side, but on the other side the people of Western Australia have contributed a sizeable sum of money by way of providing improvements, dams, and so forth, I believe. I am not sure of this. I regret I have not had an opportunity to do the research I would like to do, and that is the reason I would have welcomed the Minister to dispel my fears because he is in a far better position to provide this information than I am.

In 1958 the contract between the State and Northern Developments Pty. Limited was entered into, with the State being obliged to do certain things, and the company being obliged to get about the business of making a profit. Incidental to this there was to be some development, but the aim was certain advantages and rewards to accrue to the State on the one hand, and a sizeable expectation of profit to the company on the other hand. There is nothing wrong with that; it is an excellent arrangement, and happens every day among people making contracts. However, among people making contracts every day it is also possible that somebody may lose as a result of making a bad bargain. If one makes a bad contract and nothing avails to assist, apart from humanitarian motives, which are not an ordinary concomitant of contractual business, one is stuck with it.

If the State makes a bad contract, as unfortunately it does from time to time—and it is quite inevitable—it has to meet the expense involved. So the up-to-date position relating to Northern Developments Pty. Limited is that it has made a loss of $622,400 and we are now asked to ratify a new contract. The first contract of 1957 will be pushed aside and, if this Bill is agreed to, a new contract will be entered into.

I have not been able to study the details of the contract, but the Minister has told us that the new agreement is substantially—to use his own words—along the lines of the previous agreement, although there are one or two amendments. These amendments do not appear to me to take away anything from the existing agreement so far as it affects the company. On the contrary, they seem to be granting to the company something it did not have before. The Minister said that the area had been increased from 20,000 acres to 50,000 acres and the proprietors may sell up to half of the area. I can only assume that prior to the introduction of this Bill this could not be done, and this is an additional reward to be granted to the company.

In addition, instead of being restricted to the growing of rice, the company can grow other crops. The company made a substantial loss. I am not suggesting it did not try its hardest to make the venture a success—no doubt it did, but it failed. We are now asked to agree to the State entering into a new agreement to give it a further advantage, or to place it in a better position than it was in before. I do not understand this approach. There may be an excellent reason for it, but I think we should be told of it.

So we then look to ascertain what is going on. The Minister has told us that, because of the proposed sale of shares in Northern Developments Pty. Limited to other interests, it has become desirable and necessary for a new agreement to be made. I do not know what particulars there are available to justify that statement, but to date the Minister has not produced any, or endeavoured to give a suitable answer. However, we have been told something in this Assembly, and the member for Kimberley has made certain statements which, perhaps, suggest that this deal together with other interests, is already an accomplished fact. In other words, it is in the past. So it seems that what we should be doing now is to enter into a contract not with Northern Develop-

ments Pty. Limited, but with some unknown third party. If it is not intended that we should not do that, why should we not?

It seems to me that the added benefits the company is to obtain from this new agreement can do only one thing; that is, reimburse, either wholly, or substantially, the capital that Northern Developments Pty. Limited has lost. I invite correction of that statement, of course, if such can be made. I wonder whether this would be the policy of that company or any other company if the boot was on the other foot. For example, some people say that the iron-ore companies are making too much profit as a result of their agreements with the State.

If the iron-ore companies could be convinced of this fact, would they come forward and say, "We are making so much profit, so how about taking half of it and we will enter into a new agreement to make that possible." That is quite a ludicrous concept, of course, but this is what we seem to be doing with the agreement contained in this Bill. We seem to be taking up the time of Parliament to allow a company to make good a substantial loss.

If we were moved by humanitarian motives, and not for any cold-blooded business reason, I could understand such an agreement being made.

Mr. Bovell: We are trying to make adequate use of the funds invested in this project; that is what we are trying to do

Mr. BERTRAM: This is precisely what one would hope from the contract and if this can be proved, well and good. What I am concerned about is that we should not be making a donation to the company. If we are not, this is excellent, but if we are, we simply cannot afford it. We cannot afford it, because in recent times we have been told that this, that, or some other department is short of funds. We have increased the rate of motor vehicle third party insurance premiums, and the Government is seeking to amend the Traffic Act to bring in more revenue. The housing situation is bad because of lack of funds, and the Health Department is in much the same position. Yet *prima facie*, under this agreement we intend to make a gift to this company.

Mr. Court: How do you make that out? I have been trying to follow your logic, but I do not see how we are making a gift to anybody. We are saving what could be a lost cause. We want to be given a chance to make the company into a goer.

Mr. BERTRAM: I am not surprised the Minister for Industrial Development should interject at this stage, because the Bill seems to have in it a little of his handiwork.

Mr. Court: I happen to be Minister for the North-West.

Mr. BERTRAM: I am not condemning it.

Mr. Court: I would be failing in my duty if I didn't put you right.

Mr. Bovell: I prepared this Bill, not the Minister for the North-West.

Mr. BERTRAM: I have not said anything to the contrary.

Mr. Tonkin: A very bad taint has rubbed off on you in connection with the Interpretation Act.

Mr. BERTRAM: If either of the Ministers involved in the Bill was contracting in his own right and not in the right of the State, he would not be attacking the matter in this way. He would say, "Well, we made a bargain, hurrah, we have won"; if, in fact, the Government had. He would also say, "We still have our assets: we have 10 years of development; and being possessed of this great asset what we will do is negotiate with this unknown third party and if our consciences will allow it, and we can make a good enough bargain; we will make some sort of a deal with Northern Developments Pty. Limited. But in business we do not have to worry too much about that, because we both came into the original contract with our eyes open and we played our part; the other people have defaulted, and it matters not whether this is the result of weather conditions or anything else. Whoever gets into the new deal with the third party can go on from there and achieve a magnificent bargain."

Mr. Court: We were not killed in the rush by people wanting to take over this place. I am quite sure you do not understand the practicalities of the district.

Mr. BERTRAM: That may be so; but the Minister will have an opportunity to point out where I am off target; I have invited him to do so.

Mr. Court: I am sure the Minister for Lands will.

Mr. BERTRAM: Nevertheless, the fact is that the company is being put into a better bargaining position generally. This is shown in the Minister's speech; it is not merely what I am saying. Why is this so?

On the face of it, it appears to me that the State—which cannot afford to be generous, by reason of the circumstances which I have outlined and which are well known without my having to dilate on them—gives all the appearance here of being most generous. If we are to stick to the philosophy of business and all that goes with it, why do we not attack it in a different way and get to know what is going on and deal with this third party who is either about to buy or who, in fact, has already bought? I am now referring

to this unknown third party. We do not have to oust Northern Developments whilst we do this; we do not have to leave it with no assets, nor do we want the place to be deserted; but we have not been told of any steps that have been taken in the direction I have outlined.

If the Minister would be good enough to inform the House where I am off target and satisfy me to this effect, I will be happy to listen to him.

Mr. Court: I see we will have to take you on a trip to the north.

**MR. BOVELL** (Vasse—Minister for Lands) [4.25 p.m.]: I thank the member for Gascoyne and the member for Kimberley for their support of this Bill, but I cannot say the same of the member for Mt. Hawthorn. Perhaps I should deal with the member for Mt. Hawthorn first.

Mr. Tonkin: Never mind about dealing with the member for Mt. Hawthorn; deal with his speech.

Mr. BOVELL: The Leader of the Opposition is unduly pedantic. When I said I would deal with the member for Mt. Hawthorn first, I did not finish what I was about to say.

Mr. Tonkin: You had no intention of saying anything else.

Mr. BOVELL: I thank the Leader of the Opposition for his clairvoyance. Perhaps I should deal first with the speech made by the member for Mt. Hawthorn and point out that in 1957 the then Premier of the State (The Hon. A. R. G. Hawke) entered into an agreement with the very commendable objective of establishing a rice-growing industry in Western Australia.

I recall the proposal very vividly, because I dealt with it as a member of the then Opposition. This area was taken from Liveringa Station, which at that time was privately owned. The late Mr. John Forrest, the late Sir Ross McLarty, and members of those families, were predominantly the owners of Liveringa.

I do not think that my speech, or any speech made by a member of the then Opposition, condemned this proposal. We encouraged it. We raised certain questions, one of which has been referred to by the member for Gascoyne; and I refer, of course, to the financial stability of those who were to enter into this agreement.

There is no doubt that the financial stability of the people concerned at that time was sound and, accordingly, Parliament in its wisdom passed the agreement and the project commenced. Later on, Northern Developments or interests associated with it, acquired, as a company, Ligeringa Station from the then owners, to whom I have already referred.

In the present instance the shares of Liveringa have been purchased and the purchasers of these shares want to continue the operations of the project, and that is why the measure is before Parliament at the moment. There is no obligation on the purchasers of Liveringa Station to enter into an agreement with the Government to continue the project, but I believe, and the Government believes—and I am sure all members of the Opposition believe—that if we can encourage the growing of rice it will be to the advantage of the State.

Nobody is getting a gift out of this enterprise. I do not think there is any doubt that the financial stability of those interested in the project is indeed very sound. Perhaps I might mention the names of these people. One is Mr. Jack Miller Fletcher of Houston, Texas; another is J. B. Ilbery, a solicitor of Perth; a third is E. J. Hamilton Rowan, of Peppermint Grove, who is a livestock exporter; another is K. J. Meyer of Wembley, who is an accountant; and finally there is A. J. Barblett, a solicitor of Dalkeith.

All the Western Australians I have mentioned are well and favourably known, and I have no doubt the member for Mt. Hawthorn himself knows the stability of these people. In their own professions they are well and favourably known and, without doubt, their financial stability is beyond question. That replies to a question raised by the member for Gascoyne. In my opinion, the one beneficiary in this exercise is the State of Western Australia, because—

Mr. Graham: That will be something new!

Mr. BOVELL: —due to a Bill, which became an Act, introduced by the former Government—a Labor Government—funds have been expended on this project and, unless the project is continued, those funds will be completely wasted. That is the main object of this agreement—to use to advantage the money that has alrady been expended on this rice-growing project.

I made it quite clear at the end of my second reading speech that the new agreement contains some amendments—or whatever word I used. One is to increase the area from 20,000 acres to 50,000 acres; and I would inform the House now that the development must be progressive. Unless the company carries out the conditions which this agreement provides, then the agreement will not be proceeded with. Therefore the company does not get the 50,000 acres immediately.

Furthermore, rice is included in the growing of crops. The original agreement negotiated by the Hawke Government stated, "crops associated with the growing of rice." This agreement is different in that it provides for the growing of rice, and the cultivation of crops other than those associated with the growing of

rice. The other provision is that this company may sell up to half the area; that is, up to 25,000 acres in areas designated as approved by the Minister.

The former agreement failed. I am not blaming the Government or the company. Mr. Kim Durack and, later Mr. Keith Gorey, did a wonderful job. I visited the area to see what was going on. At that time I was the guest of Mr. Durack and he was managing Liveringa, and Mr. Gorey was conducting the Camballin project. The information that the member for Mt. Hawthorn has gleaned from somewhere regarding the debts of the former—

Mr. Bertram: From the Companies Office.

Mr. BOVELL: —company has nothing to do with the case. It is like the flowers that bloom in spring.

Mr. Graham: Tra la, tra la!

Mr. BOVELL: Yes, tra la, tra la! This agreement does not provide for those unfortunate people who have lost their money, and I sympathise with them. It is an instrument which will enable the State to utilise a facility which it has established; and I trust it will prove to be of advantage to the State and to those who are prepared to continue to do what was envisaged in the original agreement.

The member for Gascoyne referred to the reasons for this agreement, and said I did not outline in detail what they were. In simple words, the main reason is to save the original proposal from total collapse. It is some years now since rice-growing operations ceased: and I must thank the Minister for the North-West for his co-operation in this exercise. As far as the agreement is concerned, I negotiated it myself. In regard to the variations clause, I think it is necessary to have one in an agreement of this special nature. I will read the concluding passage of clause 24, which is as follows:—

> . . . any licence or right granted hereunder or pursuant hereto for the purpose of more efficiently or satisfactorily implementing or facilitating the carrying out of such provisions or of any of the objects or purposes of this Agreement.

Surely the House will appreciate that if certain conditions have to be followed to make this proposal a success, then the Government should have the opportunity of further negotiating without committing the State to any degree and of seeing that the operators have a reasonable chance of success.

I can only repeat that the new agreement is designed to provide an opportunity for the successful development of the area; and, once it is successful, rice and other crops will be grown in irrigated areas. A short time ago I introduced the Dunham River Agreement Bill, which was along the same lines as this measure and it had the same purpose of bringing about closer settlement in the Kimberley area, one which I think abounds with opportunity as far as agricultural development is concerned.

I repeat what I said previously: In the early days of this State, the South-West Land Division was composed of large parcels of land which were leased to individuals. These were subsequently subdivided and now we have a great food bowl in the South-West Land Division. I believe that will be the position not only in the Kimberley, but in the area represented by the member for Gascoyne, where Mr. Wise played some part in the establishment of banana plantations and other crops that are being produced in the Gascoyne area.

I have no criticism to offer in regard to the previous Labor Government introducing the proposal in the first instance; and I say that the member for Mt. Hawthorn would be enlightened if he undertook a tour of the Kimberley and the north-west. After such a tour he would see a measure such as this one in its proper light.

I thank the member for Gascoyne and the member for Kimberley for their contributions; and to the member for Mt. Hawthorn, I repeat: This agreement is designed to utilise a facility which the State has provided; one which we hope and trust will prove to be of advantage to the State of Western Australia.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## LAKE LEFROY (COOLGARDIE-ESPERANCE WHARF) RAILWAY BILL

*Second Reading*

Debate resumed from the 29th April.

**MR. MOIR** (Boulder-Dundas) [4.40 p.m.]: This Bill follows a previous measure which was introduced into this House to authorise an agreement between Norseman Gold Mines No Liability and the Government, to allow the harvesting of salt from Lake Lefroy at Widgiemooltha.

The purposes of this Bill are: firstly, to authorise the building of a spur line from Widgiemooltha to the site of the salt deposit—a distance of some ten miles and 66 chains—and, secondly, to continue the existing line, from where it ends at Esperance, to the wharf, a distance of approximately two miles. The building of

this line will be of benefit apart from the provision of facilities for the salt to be transported from Lake Lefroy to the Esperance wharf.

I want to make a comment at this point. This Bill was introduced last night by the Minister for Railways at 10.37 p.m. In the Press this morning we read an article setting out a proposal which would put a completely different complexion on the present proposal. I refer to the statement made by the Premier that at the present time a study is being carried out on the feasibility of building a standard gauge railway from Kalgoorlie, through Kambalda, on to Widgiemooltha, and continuing to Esperance.

I can understand, in certain respects, that the Minister was not in a position to give us full details, but I think he could have given us at 10.37 p.m. yesterday the information which appeared in the Press this morning. I realise, of course, that the Minister could not be very definite, but I think he could have told us that the project was under study, even although that study may take some considerable time before any determination can be made either one way or the other.

Be that as it may, the point is that should this study reveal it is an economic proposition to construct the standard gauge railway from Kalgoorlie to Esperance, it will put an entirely different complexion on the Bill which is now before us. However, I propose to deal with the aspects of this proposal from the point of view, that, firstly, we are considering the proposals in the present Bill. Secondly, I will have something to say on the possibility of the provision of a standard gauge railway and the effect it could have on the surrounding country.

In the first place, we know that provision has been made for the upgrading of the existing railway line between Widgiemooltha and Esperance, and the company is committed to the expenditure of up to $4,000,000 on that work. In addition, the company is also committed to the expenditure involved in constructing the spur line and the extension of the existing line at Esperance to the wharf site.

The extension of the line to the wharf site will benefit quite a few people. In the first instance, I would say it would be quite a benefit to the Western Mining Corporation for the transport of nickel. At the present time the nickel is transported to Widgiemooltha, loaded onto the railway, transported to Esperance, where the line terminates two miles from the wharf, and then transported by road to the wharf. So the extension of the line to the wharf will certainly be of great benefit to that company.

It will also be of great benefit to the wheat farmers in the mallee area where a large quantity of wheat is produced and transported to Esperance.

The storage bins for the grain are situated at the end of the railway line and the wheat has to be transported by road from that point to the wharf. The extension of the line will be of considerable help to the farmers of the area.

With all this added traffic on the line, I am a little concerned as to the priorities during the wheat season. We know it is a very urgent matter to get wheat transported from the storage facilities at the sidings to where it has to be shipped. I suppose it will be equally urgent to transport the salt from where it is harvested to Esperance where it is to be shipped. Also, it will be of equal urgency to transport the nickel concentrates from Widgiemooltha to the Esperance wharf.

The position could arise where there was competition between these various types of freight. While I welcome all this development I do not want to see anything happen which will interfere with the free transport of grain to the port at Esperance.

I realise, of course, that the upgrading of the line will have a very beneficial effect. At present there are speed restrictions on a considerable length of that line, but the upgrading of it will allow a freer flow of traffic, probably at higher speeds. It is likely that larger trains and heavier wagons will be used. The extension of the railway to the wharf site will eliminate quite a lot of traffic on the road known as the ring road at Esperance. All of the freight to and from the wharf passes over it at the present time.

It must be understood also that rock boats call at Esperance and unload phosphatic rock which is transported by road to the super works in the district. I should imagine, of course, that will continue to be the case unless a spur line is laid from the existing line into the super works, which would allow the rock to be transported by rail. However, it may turn out to be uneconomic to cart the rock by rail, and it may be more economical to use road transport from the ship's side at the wharf to the works—a distance of approximately three miles.

I would like the Minister to tell me whether during the extension of the Esperance line due regard will be placed on the importance of safety provisions where the line crosses Pink Lake Road. I take it that the line will follow the route which was originally surveyed and which runs approximately alongside the ring road all the way to the wharf. If some other route is taken, the line will still have to cross Pink Lake Road and also the Esplanade road.

I would like to see traffic lights installed when the railway line is built. We should not have to wait till an accident occurs before this is done; and there is a lot of traffic on Pink Lake Road where the crossing will be. It is in a built-up area; there is a high school situated along that road; and there are many people living in the area and, in the course of time, there will be even more housing development. Indeed, that development is taking place now.

Mr. O'Connor: I take it you are referring to the present line, and not the standard gauge line?

Mr. MOIR: I am referring to the present line. In any case the standard gauge line, I think, would follow practically the same route. I would like the Minister to have regard to this point, because where the ring road crosses Pink Lake Road there have been accidents in the past despite the fact that "Stop" signs have been placed at the intersection—first on one road and then on the other.

I am not aware that any accidents have occurred on the Esplanade road; there may have been some, but I do not know of them. However, I think prevention is better than cure, and when the railway line is built the authorities should make provision for flashing lights to be installed, at least at those two places. I think this is highly important.

When we have regard to the statement which appeared in this morning's Press we find that a totally different aspect can be placed on the Bill, and I would say it is all for the better. I fervently hope this proposal turns out to be really economical, because it will be of immeasurable benefit not only to the people served by the present railway line, but also to the people who will be served by the additional broad gauge facilities which could eventuate.

There could be no more appropriate time than the present to consider this aspect of the proposal, because Norseman Gold Mines is committed to the extent of up to $4,000,000 for the upgrading of the present line. I hope there will not be a duplication of work; that is, firstly, a lot of work done on upgrading the 3 ft. 6 in. line, and then in a year or two finding it necessary to alter that line to the standard gauge. That would involve a tremendous amount of additional work, and one job would be done, as it were, on top of the other.

The map which appeared in *The West Australian* this morning shows the proposed route of the standard gauge railway line, proceeding from a point in Kalgoorlie direct to Kambalda, then skirting the western side of Lake Lefroy, and then down to Widgiemooltha. I do not know whether this is a proposition that the Railways Department has suggested. I take it that a study is being made at the present time but that the department does not have definite ideas on what the exact route is to be.

Suffice it to say that if the standard gauge line does come down on that side, the 11 miles of railway proposed in the Bill will—because the plan shows the proposed spur line will travel up the eastern side of Lake Lefroy—be completely divorced from that line; unless the proposed railway to Kambalda goes that far and then crosses the lake. This would be a very expensive proposition, because a causeway would have to be built to carry the railway across the lake. The cost could be prohibitive, if we consider the type of surface, the lake bed, etc.

However, the route would certainly have its advantages, because it would cross the lake somewhere in the vicinity of St. Ives, where nickel has been discovered by the Western Mining Corporation. That company proposes to mine the nickel, although it may be in the far distant future, because Western Mining seems to have an embarrassment of riches at Kambalda, and it is finding higher grades and wider lodes of nickel and more deposits pretty well every time it puts a drill into the ground. The amount of nickel that has been found seems almost unbelievable, and so too does the width of the deposits in the vicinity of Kambalda. I should imagine it will be quite some time before the deposit at St. Ives will be mined.

Be that as it may, it is only a matter of conjecture as to where the company will go. The benefits accruing from the proposed standard gauge line will be immense. Kambalda will benefit greatly because the ore concentrates could be transported direct to the refinery which is proposed to be built—or which is in the course of being built—at Kwinana. That would save a considerable amount of cost.

In my opinion one of the great features is that the line will result in a reduction of motor traffic on the roads. Rail traffic is far safer than road traffic. Unfortunately, on the Kambalda road there have been quite a few tragedies despite the fact that it is not a bad road, but an exceptionally good one.

Mr. O'Connor: You are completely right.

Mr. MOIR: Yes, and because of that one wonders how anyone can be involved in an accident on that road. Nevertheless, accidents do happen and I can only come to the conclusion that the road is too good and drivers really push the accelerator flat to the boards to see how fast their vehicles can travel along it.

In any case, if the transport of concentrates is taken off the road, this will mean one more hazard will be removed from the road in the form of fewer vehicles being used. Also the considerable quantity of supplies that are now taken to Kambalda by road will also be transported by rail when this line comes into operation and

this will mean a considerable increase in freight revenue for the Railways Department.

There have been other discoveries of nickel at Widgiemooltha, although not on the same scale as those at Kambalda, and then south of Widgiemooltha there are some further deposits at Higginsville. These deposits will be developed. At Nepean, south of Coolgardie, a shaft has already been completed to a depth of 850 feet. Whilst these mining companies do not give out much information about their prospects, to sink a shaft of that depth before commencing actual development work indicates that the company must really have something worthwhile.

Then of course the Anaconda company seems to have good prospects at Higginsville. This will mean that a production plant will be constructed at both these points, or a plant to meet the needs of both projects at either one of those points. We may well see other projects come into operation at Esperance, the products of which will have to be transported, because the people concerned seem to think that these are economic propositions.

If they do emerge as such we will have the necessary transport facilities to convey the ore as concentrates to the port for transhipment to smelters overseas. Therefore, I can visualise many benefits accruing from the construction of this railway line; and, of course, not the least of the benefits will fall upon those people in the mallee areas which are still being developed for the growing of wheat even though they have been in existence for many years. I think farming has been conducted in that area for over 50 years, but new land is still being taken up and the potential of the area is indeed great.

I consider that the mallee area, in years to come, could be the granary of Western Australia. Good grain is grown there at present, but with the progress of agriculture, in years to come twice the quantity of grain could be produced; that is, in that area between a point a little north of Salmon Gums to somewhere about Gibson. Of course, with the standard gauge line running through there, carrying larger trucks and hauling greater tonnages at faster speeds, great benefit will accrue to everybody who will be served with that railway line. With those remarks I support the Bill.

**MR. YOUNG** (Roe) [5.5 p.m.]: I, too, wish to indicate my support of the Bill. As the member for Boulder-Dundas has said, it will be of great importance to the area it will serve, because at least it will mean the existing railway will be upgraded. However, in view of the Premier's announcement yesterday evening that negotiations are already in train to incorportate this line in the standard gauge system, the resultant benefits will prove to be far greater.

My understanding of the position is that the upgrading of the Lake Lefroy railway will be carried out on a scale to allow for this proposed extension to the standard gauge railway line to be carried out. In other words the sleepers that are laid for the upgrading of this line will be of requisite length and width to allow for the line eventually to be linked with the standard gauge railway system. A similar principle will also apply to the construction of cuttings and embankments for the upgraded line.

The Minister for Railways has mentioned during previous discussions on this railway line that there was some possibility that the Leonora line, which could possibly be discontinued, could be the means of providing rails which are of 60 lb. weight for the upgrading of this line. However, I hope the Minister can give some assurance that rails of greater weight will be used for this upgrading project so that axle loadings on the Esperance line can be increased, thus enabling faster and larger trains to be used. Further, to some degree, that would allay some of the fears expressed by the member for Boulder-Dundas, which I myself hold.

The existing railway line is rather old and decrepit and desperately needs to be upgraded. Therefore, if the upgrading does not reach a high standard, during the harvesting period there could be rail traffic congestion on the line as a result of other products, such as nickel, being transported to the Esperance port. My understanding of the existing situation is that the Esperance port is visited by only a relatively small number of ships, and quite often there is an urgent demand for railway trucks to carry products to the harbour so that they can reach the ships in time for transhipment.

Therefore, in summing up the position, if the upgrading of this line is not of a sufficient standard to permit increased tonnages to be carried, I can visualise that, with the construction of a second berth at the Esperance port, there could be quite a deal of congestion because of the urgent need to carry grain, nickel, and other products at the one time. With the provision of faster and larger trains, capable of hauling heavy tonnages, this could obviate a bottleneck occurring.

While speaking on the subject of transporting wheat from this area, I am of the opinion that the second part of the Bill, which deals with the connection of the existing railway running from the townsite of Esperance to the land-backed wharf, will prove of great benefit to the farmers, because the freight charges on the transport of grain from Gibson, which is some 18 miles north of Esperance, into the port of Esperance will be greatly reduced. This will obviate many of the unnecessary charges that are incurred as a result of excessive handling. The extension of this railway line will permit

the grain to be transported from the mallee area direct to the wharf and straight into the storage bin, which must effect a great saving in costs.

Wheat storage has been a subject of great discussion of late, and it will be necessary, in the very near future, to ensure sufficient storage is available on all existing lines. Those farmers who are farming at a distance no greater than 10 miles on either side of the railway now have no restrictions when transporting their grain direct to the wharf by road transport; but, if the wharf facilities are overtaxed, they will have to use roadside bins, and a situation could be reached where farmers could be forced to pay increased freight because of there being no storage bins available to hold their grain prior to shipment.

I therefore consider it important that this railway should be built to such a standard that it will be able to handle all the freight that is offering at any one time. I think it was announced there is a possibility that it will be a standard gauge line, and if this is so it will certainly be what the people in that area need.

In all this planning, considerable mention has been made of the two-mile extension from the existing line to the land-backed wharf, but no mention has been made of the Esperance station facilities. The Esperance people will eventually enjoy the benefit of the upgrading of the railway, and the extension of the line to the wharf, but they will still be left with a little spur line running into the centre of the town, together with obsolete station facilities. Therefore the Minister could well give consideration at this point of time to the removal of the existing station from the centre of the town and the upgrading of it to match the increased traffic handled by the station when the line eventually forms part of the standard gauge railway system in Western Australia.

I join the member for Boulder-Dundas in expressing the urgent need to install flashing lights at railway crossings in the Esperance area. The Esperance Shire has already reconstructed part of the road system in the area to meet the changing pattern that will result from the construction of this proposed new section of railway line to the townsite, and, as has already been mentioned, the volume of traffic in the Pink Lake district is increasing.

A great deal of housing development is being made in the area, and a high school is in existence with the prospect of another primary school being constructed. With the advent of further development, the road from Pink Lake will carry an increased volume of traffic. Therefore the installation of flashing lights at crossings should be part of the schedule of works and be included in the proposed expenditure for the construction of the railway line.

At this stage, therefore, I can congratulate the Minister on the presentation of the Bill to the House. I am certain everyone in the area affected will realise it is a genuine attempt to assist the producers in the district by facilitating the transhipment of their products; to assist in implementing the policy of decentralisation; and, generally, to make greater use of the mallee area by upgrading the railway line, which can result in nothing but good for the Esperance district.

**MR. DAVIES** (Victoria Park) [5.14 p.m.]: It was not my intention to speak on the Bill, because I am ashamed to say I am not acquainted with the railway facilities between Coolgardie and Esperance and at Esperance itself, never having visited the area.

However the member for Roe, in supporting the Bill by stating there was need to provide this new railway, also said, towards the end of his speech, that something will have to be done to improve the station facilities at Esperance for the benefit of the travelling public. As I have stated, having never been there, I am not aware of the position, but I am aware that the conditions under which the railway men at Esperance have to work are abominable, and there is no doubt that new accommodation for them is badly needed.

With the additional traffic which it is anticipated will be going through that town more staff will be required. Where the department will get the additional staff from I do not know, because wages and salaried staff is in extremely short supply. One of the reasons why staff will not go to country centres is that the conditions in many of them are inadequate.

While I believe that those who work on the wharf at Esperance have been provided with first class facilities and with all the required amenities, the facilities and amenities available to the railway workers—both wages and salaried staff—are sadly lacking. If the Minister intends to do something to improve the facilities for the travelling public, as was suggested by the member for Roe, then this is the time to review the whole position so as to provide additional office staff to keep the wheels of the railways turning.

I think further attention should be given to the provision of houses for officers of the department, and in fact for all the railway staff, at Esperance. This is a field in which the Railways Department continues to look after itself, rather than call upon the Housing Commission or the Government Employees' Housing Authority.

That is all I want to say on this measure. I think we can get the staff to go to the country if we provide them with

better facilities. From what I know of Esperance—repeating again that I have not been there—and from what I have been told, I believe the existing conditions are appalling.

**MR. O'CONNOR** (Mt. Lawley—Minister for Railways) [5.17 p.m.]: I would like to thank members generally for their support of the Bill, and once again I offer my apologies for the late introduction of it to Parliament. Members will realise this measure was held up at the time when the Lake Lefroy salt agreement was signed, but they should also realise that because of the possibility of establishing a standard gauge line right through to Esperance I delayed the Bill in the hope of having available the final details, which no doubt would be of great interest to the people of the Kalgoorlie-Esperance area and to the workers of the Railways Department.

The member for Boulder-Dundas asked me for details of what we are endeavouring to do in respect of the Kalgoorlie-Esperance line, and with your indulgence, Mr. Speaker, I shall give them. In referring to the Lake Lefroy salt agreement the point arises that $3,400,000 or $4,000,000 is to be placed at the disposal of the railways to upgrade that line and to connect it with the land-backed wharf at Esperance. I feel, as do the Railways Department and the Government, that if we are to spend this amount of money, which will be made available by somebody else to upgrade the line, we should look into the real and additional benefits which could be provided. We thought it was desirable that a close examination should be made of the possibility to standardise the whole line from Kalgoorlie to Esperance, instead of only upgrading the section between Lake Lefroy and Esperance.

In this connection we have been in touch with Norseman Gold Mines N.L., with the Western Mining Corporation, with other companies, and with the Commonwealth. The State also looked into this matter from its own point of view to see what contributions could be made to assist in the standardisation of this line. With the possibility of deviating the line through Kambalda, we felt that the Western Mining Corporation could assist to a degree. By making that deviation, the line would be shortened a little.

In relation to the point raised by the member for Boulder-Dundas, it was anticipated by the railways that the line would go past Lake Lefroy and through Kambalda. The map which appeared in the newspaper this morning was actually drawn by the Press itself. It endeavoured to be helpful to give an indication of the deviation of the line. I was unable to supply a copy of the map, because I have been working on this matter right up to the present stage, and the work is not yet completed; for that reason I was not prepared to give out anything in this regard. The map in the newspaper indicated in the approximate area the route of the line, but this is not a firm decision.

I should point out that, in respect of our approach, the Commonwealth has been very co-operative up to this stage. It has indicated the possibility of transferring funds left over from the alteration of the facilities at Kalgoorlie under the standard gauge agreement. The total amount involved was $3,700,000; and bearing in mind that some facilities are yet to be provided at Kalgoorlie, it is anticipated that some of this allocation will be transferred to the Kalgoorlie-Esperance line. This amount, together with $3,400,000 or $4,000,000, as the case may be, under the Lake Lefroy salt agreement, will mean that about $5,000,000 will be made available.

We have also conferred with the Commonwealth to see whether or not it will participate further in establishing the line in the area in question. The Commonwealth has indicated that it will be necessary to draw up another agreement if the State puts a further proposal to it. If a further proposal is put up, the Commonwealth will give consideration to it. As we cannot give the final details in connection with the economics and other factors associated with this line, we can expect nothing further from the Commonwealth at this stage.

If we are successful in establishing the standard gauge line right through to Esperance there will be a saving of $90,000 per annum in the cost of transhipment at Kalgoorlie. This would be a great saving to the State. One of the problems confronting us is that we do not know when this line will be put into operation, whether it will function economically, or whether it will become a financial burden. Over the last week or two the personnel of the railways have been working to obtain all the details, but up to date these details are not available. However, I believe the information will be available sometime today, and I am sure it will be of help to us. These details will then be submitted to the Commonwealth.

I agree with the member for Boulder-Dundas and the member for Roe that now is the time to make a move in this direction. If it is possible, every endeavour should be made to establish a standard guage line right through while money is available for the upgrading of the line. Members who are aware of the condition of this line will realise that it requires a fair amount of upgrading. Although the line is in a safe condition it requires upgrading. If possible we should make a move now to establish a standard gauge line.

Reference was made by the member for Boulder-Dundas to the installation of

flashing lights at railway crossings. This matter is handled by the Main Roads Department. There is in existence a committee, one member of which is an officer of the Railways Department, known as the Level Crossing Protection Committee which deals with the installation of flashing lights. It has worked out the priorities throughout the State, and has decided where money should be used as it becomes available. I do not know whether the flashing lights suggested along the line in question are listed high in the priority list, but I will endeavour to find out for the information of the honourable member.

Speaking from memory I understand that the expenditure by the Main Roads Department, through this committee, was in the vicinity of $523,000 during last year. The department has tried to increase the amount that is made available for the installation of flashing lights at railway crossings, and to give the crossings priority so that those which are considered to be the most dangerous can be attended to.

Not only has the Level Crossing Protection Committee investigated the position of railway crossings, but it has also obtained reports from the police throughout Western Australia on whether local problems exist in respect of railway crossings. The committee is taking those reports into consideration.

The member for Roe mentioned the possibility of the 60 lb. rails from the Leonora line being used on the line to Esperance. It has been the intention for some time to use the rails from the Leonora area on the Esperance line when it is upgraded. However, we are also looking into the possibility of using the rails from the narrow gauge line between Northam and Kalgoorlie. This is an 82 lb. line, and if these rails are used they will provide better haulage and better axle loading. On the whole they will be more advantageous to the area.

I do not anticipate any problems in connection with the haulage of wheat and other commodities, because this will be done under very modern methods. It will mean that $2,500,000 to $3,000,000 worth of additional rolling stock will be required, and if this additional rolling stock is provided the turn-around at Esperance will be speeded up. I anticipate that we will use a similar type of grain wagon as is used on the standard gauge line. However, the equipment we have on hand is insufficient, and we will require additional equipment.

If we do use the rails from the narrow gauge line between Northam and Kalgoorlie, it will mean we will have to borrow some equipment temporarily from the Commonwealth, or from some other State, to assist us to operate the railway service between Kalgoorlie and Esperance, because we are a little short of standard gauge equipment. Further approaches have been made in respect of this matter and we should have a reply from the Commonwealth in the not too distant future.

When the member for Roe spoke about the railway facilities, he referred mainly to the station at Esperance and to its upgrading. The flashing lights and the other features mentioned will be taken into consideration at the appropriate time when we make a move in this direction. The comments which have been made, I will pass to the Railways Department for consideration when the time comes.

Reference was also made by the member for Roe to the provision of more storage for wheat in the country. I certainly hope the need for this will not arise, because increased storage of wheat will not only affect the farmers but also the overall wheat position. What is required is more sales of wheat. Apart from the information already available to members, the fact is the Railways Department's revenue from the cartage of wheat has fallen by $5,500,000 this year, and this reduction in revenue affects quite considerably the finances of the railways. I repeat that what we want is more sales of wheat.

Mr. Young: We should eat more of it.

Mr. O'CONNOR: I wish we could do that. The member for Victoria Park made reference to improved accommodation and additional buildings. He was referring mainly to the personnel of the railways, rather than to other people in the area. I agree that in certain parts of the State problems in this connection exist—problems in relation to the housing of employees, and also to office accommodation and other facilities. I should point out that difficulties have arisen in connection with the operation of the railways, because we have only a certain amount of money to operate with, and this presents many problems. An endeavour will be made to provide the facilities, in addition to those which have been installed.

Whilst the facilities in respect of housing are not acceptable to some members, the standard of the locomotives and the amenities available to the drivers and firemen have improved a great deal in recent years. Anyone who has inspected the rolling stock that is used on the standard gauge line will agree that the washroom and refreshment room facilities have, compared with the facilities of the past, improved greatly. I can assure members that the improvement will be maintained on the rolling stock which will be acquired in the future.

I thank you, Mr. Speaker, for your indulgence in allowing me to deviate somewhat from the Bill in order to give the information sought by members in relation to the Kalgoorlie-Esperance line, and

I thank members for their support of this measure.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## INNKEEPERS BILL

*Second Reading*

Debate resumed from the 17th April.

**MR. BERTRAM** (Mt. Hawthorn) [5.33 p.m.]: To deal with this Bill is an easy task for those on this side of the House because, there is, as a matter of fact, literally no case to answer. If anyone questions this and suggests that I am being frivolous, I invite him to consult page 3234 of *Hansard*. He will have only a column and a half or so to go through to satisfy himself that what I have said is perfectly accurate.

There does exist in the Minister's remarks reasons why the Bill has been brought here. Someone has asked for it; but there is no one reason—or there is no justification, perhaps I should say. It reminds me of an anecdote concerning a member of the legal profession who at one time adorned these benches for many years. He had a junior beside him in the Supreme Court named Bloggs who had done a tremendous job on the particular case. He had built up a huge brief and had all the answers. When the judge asked a certain question, the lawyer fumbled through the brief, but could not find the answer. He said to his junior—and referring to the brief—"Take this. It is full of nothing."

That, of course, describes the Minister's speech to a "t." The lawyer had a very "gentle" whisper for a voice—he was a former member for Nedlands—and his remark reverberated through every last recess of the court, to the humiliation of the junior.

The case in favour of this Bill is full of nothing, and therefore the Bill must be opposed. I could at this stage just sit down and leave it at that. Surely if a Bill comes before the House there must be some attempt made to explain why the Bill is here! If this is not necessary then the whole of the processes of democracy seem to be negatived.

To refresh the memory of members, the idea of this Bill is to repeal two Acts, one the Innkeepers Act of 1887, and the other, in point of law a modern Act, the Innkeepers Act of 1920. The 1887 Act grants to innkeepers a lien to secure their bills against guests who stay at their inns, whilst the 1920 Act puts a heavy liability upon the innkeepers in respect of guests' property at their inns.

At the moment if I were staying at a hotel and my watch of some sizeable value was stolen or lost, the innkeeper must compensate me. It is an automatic obligation. Probably a historical reason exists for this, but we have not been told it.

If this Bill becomes law, then the innkeeper's responsibility will no longer exist unless it is proved the innkeeper has been negligent or wilfully remiss in some way with respect to the chattels that have gone astray. In practice this would be hopeless. It would be pretty well impossible today to prove an innkeeper's negligence regarding guests' chattels in a hotel. Therefore not only is this Bill removing the absolute liability currently falling upon an innkeeper, but it is also virtually giving him complete absolution from any liability at all. So under this Bill he is obtaining a tremendous advantage. For what reason we do not know because we have not been told. Nor have we been told whether if we give this concession or advantage to innkeepers, they will reduce the price of their rents or tariffs. I imagine these will remain the same. This is not a bad sort of arrangement, really.

There are exceptions to every rule, of course, but in the general run of things. I do not see how the innkeeper could be hurt under the existing provision, because he would insure against the risk, and he would pass on to the guest the premium for that insurance. Consequently the guest will be paying for it and therefore why the great difficulty? I find it a little hard to understand.

If it is that the innkeepers are receiving far more claims these days than was the case before, well the premium will be higher; and so will the price of beer and tariffs. We have not been given any undertaking that these will be eased. It might be a little hopeful to contemplate that this will happen.

In his remarks the Minister stated that the innkeepers are seeking to have their liability placed on the same level as the liability of those in other businesses. But what other businesses are really comparable with that of an innkeeper? Who would have the same apparent dominion over the property of guests? When a guest's chattels are with him at a hotel, all sorts of things could go wrong. To me the innkeeper seems to have a responsibility, and I am by no means convinced that he should not still be saddled with it.

There may be certain exceptional cases; for instance, the present trends with motorcars and so forth coming onto hotel premises. In these instances there may

be a need for some correction in the present law. If we can amend the law in this respect only, very well. This would be fair to the innkeepers and to the people who deal with them. However, in the main, I think the responsibility currently upon innkeepers should remain.

The Innkeepers Act of 1920 fixed an absolute liability on the innkeepers of $60. That is still the figure today. Being mindful of inflation, I think it is fair to say that this should be amended to $300.

Mr. O'Neil: What obligation is there upon the guest to take some action to protect his chattels? Is he required to place them with the innkeeper for safe keeping, or are they covered while in his room?

Mr. BERTRAM: I do not think he has any obligation in this direction. He is protected in this regard, it is true, but I think the average person—that is the only one with whom we can deal—takes all precautions. However, under the present law I do not think there is any obligation on him to take even reasonable precautions. I think he could even be careless and still be protected. That does not appeal to me greatly, but the odd fellow who is careless is the exception. Our concern must be about the 99 per cent. who are careful about their chattels and who suffer some loss. They are the ones I believe we should cater for.

There is a sort of *quid pro quo*. In 1966 a similar Bill was before Parliament but was, I understand, withdrawn. The Bill on that occasion was designed to repeal the Act which places the liability on the innkeeper but left the other Act on the Statute book; that is, the one that gives the innkeeper a lien for any security of debts. On this occasion, with the *quid pro quo*, the people who want this law amended have said that if they are to get relief from the liability, something must be done in the way of self help. This is not a very persuasive way to talk. I think we must get down to the real case. Do not let us buy off some legislation. Let us see whether or not it should be repealed on its merits.

Consequently the Bill is quite unacceptable as it stands. If it were amended in a certain way whereby the bulk of the existing law remained, that would be a different matter.

**MR. T. D. EVANS** (Kalgoorlie) [5.45 p.m.]: The Bill reminds me of that little girl from legend about whom it was said that when she was good, she was very, very good and when she was bad, she was horrid.

The Bill proposes three sweeping amendments to the law in Western Australia which relates to innkeepers' liability, and it also affects what might be called an antiquated right belonging to an innkeeper.

In the last instance, I refer to the move to repeal the operation of the early Innkeepers Act of 1877. That Act followed the pattern of early English legislation to provide that innkeepers would have a lien on the property—the luggage—of their non-paying guests. Such property, having been restrained by the innkeeper, could be sold after a given period of time. I have no objection whatever to the move to abolish that archaic right. As far back as 1936 an Act of Parliament was passed by this State which removed a similar right that had been enjoyed by landlords until that time. I refer to the Distress for Rent Abolition Act of 1936.

The Bill before us seeks then to repeal the operation of the Innkeepers Act of 1920, but it does more than that, because it provides—

> Without affecting the application of any other rule of law, a rule of law that imposes a duty or liability on a person by reason only of his being an innkeeper no longer applies in the State.

As I have said, the measure proposes in the first instance to abolish the Innkeepers Act of 1877, and I have no objection to that. This is the "very, very good" part but the "very, very horrid" part is that the rules of common law affecting the liability of an innkeeper are to be repealed or to be rendered inoperative henceforth in this State, and the 1920 Act which in fact sought to limit the innkeepers' liability, as imposed by the rules of common law, is also to be repealed.

I mentioned that the innkeepers' liability has been long known to common law; and, whilst the measure before the House is of some considerable interest, I would not say that it is of purely historical interest. It is not a historical vestige. The retention of the innkepers' liability—albeit a limited liability for which the innkeeper is responsible—is, I would say, a vital organ attached to the fabric of modern day commerce and tourism.

Let us go back to the common law and find out just what is the innkeepers' liability, about which we have heard so much. At common law an innkeeper is obliged to receive all travellers who come to him, provided he has sufficient room and provided the traveller is willing and able to pay for services rendered. There is a similar form of liability attached to common carriers. Subject to certain conditions, such carriers are obliged to carry goods for people who offer goods to them and then, at law, they are entitled to a certain fee. However, whilst carrying those goods, a common carrier is liable for their safety.

In 1898 a case was heard in the court of Queens Bench, which is reported at page 284 of volume 2 of the *Queens Bench Reports* for that year. The parties in-

volved were one, Orchard, and one, Bush. I will make no comment about those names. It is stated in the reports that any person who uses an inn either for a temporary or a more permanent stay in order to take what the inn can give is deemed to be a traveller.

As recently as last year when the question was raised in Queensland, the term "traveller" was held to include even local residents who go to an inn for a meal or a drink. I think it is highly probable that the prime reason for the appearance of this Bill in this Chamber at this time is the construction which has been placed on the term "traveller."

If anyone books at an inn for a more permanent stay, at common law he may lose his character as a traveller and henceforth become a lodger. As a lodger he has no protection against the innkeeper unless he can prove that the innkeeper has been negligent or that he has suffered some harm or wrong as a result of the wilful default of the innkeeper or one of the innkeeper's servants.

If an innkeeper accepts a traveller and his goods, however, he is obliged to make good any loss suffered by the traveller. I hope members will realise that what I am saying is provided for by the rules of common law. The application of these rules in Western Australia at the present time is qualified by the application of the 1920 Act, which is sought to be repealed by this Bill.

Public policy would seem to be the reason for this form of innkeepers' liability; because, in earlier times, it was not uncommon for innkeepers to align themselves with highwaymen and footpads. It was an easy matter for an innkeeper to tip off a highwayman that a guest of some substance, who would probably have property of some value in his room, was staying at his inn.

In later times the public policy reason was retained because it was seen to be in the interests of the easy flow of commerce and travel. I would say this policy holds as true today as in former times and is a compelling reason for retaining some liability on the part of innkeepers. The move by the Government to remove completely any vestige of innkeepers' liability from the law in Western Australia is, I feel, a case of throwing out the baby with the bathwater.

By all means I think the Government should qualify the law in respect of innkeepers, but let us have a look very briefly at the Innkeepers Act of 1920, which severely limits the operation of common law rules. Section 3 of the Innkeepers Act of 1920 provides—

> No innkeeper shall be liable to make good to any guest of such innkeeper any loss of or injury to goods or property brought to his inn, not being a horse or other live animal, or any gear appertaining thereto, or any carriage, to a greater amount than the sum of sixty dollars . . .

That is the restriction on the common law rule of innkeepers' liability, as it operates in Western Australia. The amending Bill proposes to sweep away any form of liability on the part of innkeepers.

I am sure members will agree that a member of the travelling public who calls at an inn and who takes sleeping accommodation at that inn should be entitled to be assured that whilst he is staying there his property will be in safe hands. It must be remembered that the room of a person who stays at an inn is not completely sacrosanct. It is open to the servants of the innkeeper who have the right of entree in order to change linen and for other purposes. Contrary to the provisions of the Licensing Act which apply to those inns which are licensed premises, not all inns are fitted with locks on doors. Many members must have experienced this while travelling around the State.

To my mind, it is a very good measure to impose upon an innkeeper the obligation to ensure that unauthorised persons are kept away from the rooms of guests. Small as it is, the present form of liability —in respect of which the total claim for loss or damage cannot exceed $60—does, nevertheless, impose such an obligation on the innkeeper as to ensure that the staff he employs are honest and trustworthy and that undesirable characters from outside are not allowed to roam willy-nilly through his premises to see what they can pick up by way of property which belongs to the innkeeper's guests. This is the public policy which, I feel, necessitates the retention of the present law; but, if necessary, it could be qualified and, further, I believe it should be qualified.

I hark back to common law again. It was held in 1898 in the case to which I referred and, again, as recently as last year in Queensland, that a person who goes to an inn for a casual meal or a drink is a traveller. Members should be well and truly able to appreciate the position whereby a person calls at licensed premises—which premises are inns within the meaning of the Act—and leaves his car in the parking lot while he goes in for a drink. If his car is damaged or stolen, or some article is stolen from it, then he would have a claim against the innkeeper, qualified, of course, by the operation of section 3 of the 1920 Act.

I do not think that kind of situation was contemplated in 1920, although there is some qualification in section 3 of the Innkeepers Act to the effect that the liability shall not apply in respect of any horse, or any associated gear, or any carriage.

Professor Davies of the University Law School of Western Australia has expressed the opinion that the word "carriage" as used in the 1920 Act would not be construed to be a motor vehicle, if the matter were tested.

Be that as it may, I would suggest to the Government that it should delay the passage of this Bill until the first period of the next session, some time after July; and in the meantime it can give consideration to the provisions in the New South Wales Act relating to innkeepers' liability. We find in 1969 the Western Australian Parliament being confronted with a Bill to abolish innkeepers' liability; whereas in 1968 the New South Wales Parliament was confronted with an Act codifying and re-enacting the law as affecting innkeepers' liability.

May I briefly mention one or two of the provisions of the 1968 Innkeepers' Liability Act of New South Wales. It is there provided that a traveller shall be deemed to be a guest at an inn only where sleeping accommodation at the inn has been engaged by or for him. Further, that an innkeeper shall not be liable for any loss or damage to a motor vehicle belonging to a traveller who is not a guest as defined—that is, one for whom sleeping accommodation has been booked either by him or for him. In such case a motor vehicle belonging to a traveller shall not cast upon the innkeeper any liability unless the general law operates and it can be shown that the innkeeper was negligent, or that the loss or damage resulted from some wilful act on his part or on the part of one of his employees.

Having regard to the public policy, I think the law in Western Australia should be retained imposing a form of liability on innkeepers. However, I think it is only reasonable in this modern age that an innkeeper should not be burdened with liability in the case of a person who has called at his place of refreshment for a casual meal or a casual drink. We should not override the protection of the law, limited as it is under the 1920 Act, to an entire claim of $60. However, I do not think this is contemplated nor should it be expected of innkeeeprs.

We are not here to consider any move to qualify the law; we are trying to safeguard or salvage something from an attempt by the Government completely to abolish the law. Therefore, I give notice that if the Bill proceeds beyond the second reading stage I shall attempt to preserve, first of all, the operations of the 1920 Act, with its limited liability, and to provide that a guest will be defined as one by or for whom accommodation has been booked at an inn, and so limit the innkeeper's liability to a guest only and not to a traveller who comes in for a casual meal or drink.

If my amendments are carried the liability will be limited to the person who qualifies as being a guest and, furthermore, in the case of motor vehicles—

Mr. Tonkin: By "guest" you mean "a lodger"?

Mr. T. D. EVANS: No; I mean to define what a guest is.

Mr. Tonkin: Would he be regarded as somebody different from a lodger?

Mr. T. D. EVANS: At common law a lodger is a person who does not have the privilege of enjoying the right of remedy against the innkeeper. He is one whose stay at the inn is somewhat of a more permanent nature. A traveller, at common law, is a person who comes and goes from an inn; under the 1920 Act the term "guest" is used but it has never been defined. We claim that under the 1920 Act the guest enjoys the privilege of a claim against an innkeeper in certain circumstances.

I propose to define what a guest is—he will be a person by or for whom accommodation at an inn has been arranged. In the terms of a motor vehicle I propose to provide that liability for loss or damage to a traveller's property shall not be incurred by an innkeeper where the property loss or damage is a motor vehicle or is anything therein or thereon, or where the traveller involved is not a guest at the inn; unless the cause of the loss or damage was some default, neglect, or wilful act on the part of the innkeeper or his servants. In other words, it is only precipitating the law of tort as it operates today, and will operate even if the present Bill is passed into law.

I would ask the Minister, even at this late stage of the session, to give some consideration to this matter, so that something may still be salvaged from the present law, and a reasonable and responsible type of liability will still be imposed on innkeepers; but the liability imposed will not be one which is onerous or in any way undesirable.

Having analysed the Bill and having said that it consists of three principles, one of which I support, and two of which I do not, it is my intention, at this stage, to vote against the second reading.

**MR. COURT** (Nedlands—Minister for Industrial Development) [6.8 p.m.]: At the outset, let me make it clear that this is not a "crisis" Bill. One would get the impression that quite big things hinged on it; in point of fact all we are trying to do is to acknowledge a changing set of circumstances.

I think the honourable member was right when he referred to the fact that the legislation under which we are at present operating in this regard really grew out of the days of the highwayman. When one goes into the background of

this legislation, which is on the Statute book of this State, it is readily understandable why the legislators of the time introduced certain of the Statutes dealing with this particular trade. However, as with all other things, times change, and with time marching on we find that the motorcar is coming into its own; we find that to a large extent the motel is replacing the hotel so far as a big proportion of the travelling public is concerned. Therefore, I think the responsible Minister as well as the trade directly concerned were entitled to ask why they should be treated differently from any other trade or industry.

I submit to the House that that is all we are seeking to do with the Bill; to acknowledge a changing set of circumstances. It is not as though we are trying to relieve the hotelkeeper of a liability that other people have. All that we are trying to do is to put him in the same position as other people. The member for Mount Hawthorn accused me of not stating a case.

Mr. Bertram: That is so.

Mr. COURT: Frankly, the only case to be stated was stated. The background to which he referred, when it is considered alongside the present circumstances, is in fact the main reason we need the Bill. If we look at the type of accommodation today and the habits of people today we find that the reasons that prompted the original absolute liability of an innkeeper are not with us today. Under the existing statute the $60 absolute liability is in my view quite unfair.

Members on the other side cannot have it both ways. They cannot say, "Let us take away from the innkeeper the lien that he has enjoyed for many years, and which was an acknowledgement of another situation, but leave him with this absolute liability." I believe the time has come to remove both—that is, to remove the lien provision and also to remove the absolute liability and leave the innkeeper and those in the liquor trade generally subject to ordinary common law rights and liabilities.

The lien provisions were granted many years ago, but I believe the hotelkeeper has to take his risk the same as everybody else. He should not have the particular protection that was laid down in the Statutes. The member for Kalgoorlie agrees that that should go; but, on the other hand, he wants to leave the restrictive provision—that is, the absolute liability —in one form or another with the hotelkeeper. As I understand his argument, he only wants to amend the law to change the outmoded verbiage where the legislation refers to carriages, horses, animals, and so on, and bring it up to date and to refer to motorcars.

Apparently in the old days travellers left their horses tethered outside and the innkeeper did not accept any liability. Today, with motels, we have much the same thing but in a different form. Instead of a traveller tethering his horse outside the inn he drives his car up to his room and as a result there is an anomalous situation. As explained by the member for Kalgoorlie, a hotelkeeper could in fact be held responsible, whereas with a horse, a mule, or an animal like that, he would not be responsible.

So far as I am concerned, when the second reading is passed, I propose to ask that the Committee stage be made an order of the day for the next sitting, and in the meantime I will confer with my colleague, the Minister for Justice, regarding the amendments of which the honourable member has been good enough to give me some advance notice and I presume he will arrange with the Clerks for them to be placed on the notice paper.

Mr. Brady: I do not see why a hotelkeeper should not have the same responsibility to his guests.

Mr. COURT: He would have a responsibility under common law, like everybody else, and I do not see why he should retain absolute liability and, at the same time, the lien.

Mr. Brady: He is licensed to serve the public.

Question put and passed.

Bill read a second time.

*Sitting suspended from 6.15 to 7.30 p.m.*

## PIG INDUSTRY COMPENSATION ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 23rd April.

**MR. H. D. EVANS** (Warren) [7.30 p.m.]: The House was told by the Minister when he introduced the Exotic Stock Diseases (Eradication) Fund Bill earlier in the session that it would also be necessary to introduce complementary legislation in connection with other specific industries. To this end the the Foot and Mouth Diseases Eradication Fund Act Amendment Bill and the Poultry Industry Trust Fund Act Amendment Bill have already been dealt with.

The Bill before the House is a further provision in the series which ties up what is a very organised and well ordered scheme that will treat all enzootic diseases, should such a tragedy occur as an outbreak of these diseases. At the time the exotic stock diseases legislation was introduced, speakers on both sides of the House indicated their approval of it, and so it will be, I am sure, with the legislation that is now before us. The Opposition finds no objection to it.

The provisions in the Bill, which are quite sweeping, firstly indicate that the enzootic diseases provided for in the measure are to be extended. One amendment seeks to embrace any disease so specified by the Minister at the time these provisions become necessary.

The measure before us removes swine fever from the compass of this particular legislation and includes it in the exotic

stock diseases legislation. There are now to be provisions under which the Chief Veterinary Surgeon has power to appoint qualified persons to apply the provisions of the Act.

The reasons given for this are quite valid and quite clear. In the first place no-one would be better qualified than the Chief Veterinary Surgeon to recognise the competency, or lack of competency, of a person firstly, to determine the disease and diagnose it, and, secondly, to authorise the necessary compensation should this arise. A further point that might be mentioned is the time factor.

In the event of such outbreaks, time would be limited. The most expedient manner by which trained personnel in the field could be channelled as required would be by the Chief Veterinary Surgeon.

The amount of compensation is the subject of further amendment. The present level of compensation is fixed at $80, but the provisions in the Bill set out that the maximum amount payable will be subject to fluctuation as determined on the recommendation of the Minister and with the approval of the Governor. It is rather interesting to see that an adherance to the principle of payment of compensation at a commercial level has been retained.

I am given to understand that pig breeders have for some considerable time made an endeavour to obtain compensation on stud values. It is a rather moot point whether a fund such as this, which owes its existence to the commercial aspect of the industry, should be utilised for such a purpose—to compensate on stud values. I do not seek to raise this point in debate, but rather to make an observation and to recognise that this principle has been retained.

There is a further point in the matter of compensation which deals with the right of appeal. From my reading of the Act, and after listening to the Minister's second reading speech, it would appear that no provision has been made for appeal. I know that the present system has operated effectively and harmoniously for some time, and to my knowledge there has been no actual dispute in the matter of compensation, but I cannot help wondering whether a provision of this kind would not be of some advantage. Perhaps the Minister could enlighten us on this matter when he replies to the debate.

The amount of compensation would be decided by the Chief Veterinary Officer and this provision has met with general approval from all aspects of the pig industry. An increase in the industrial levy and a change in the use of the fund are also indicated by the provisions in the Bill, and once again no objection has been registered; on the other hand, general approval has been obtained in this matter from the pig producers, and the Pig Breeders' Association, and the Farmers' Union.

As a matter of fact, the move originated from these very people; it is they who have been virtually responsible for the issue being raised at departmental level. That some of these funds can be spent in research is, in itself, an excellent thing. The present research programme—or perhaps I should say the lack of it—has caused some concern to those engaged in the industry. The research station at Medina has perhaps been disappointing in the net result during its two years of operation; it has been disappointing to those who expected so much from it when it was established.

In fairness, however, it should be shown that the difficulties experienced at the Medina Research Station were very considerable at the outset, though I understand these have been overcome to a large extent. The difficulties apparent were first of a technical nature; new methods were introduced and the buildings were unfortunately of the wrong type, while the plant used was quite inadequate. Together all these features were responsible for a high mortality rate among the piglets.

The second difficulty related to staffing. The particular method of operation at Medina calls for a highly trained process, and to train field workers to this level of efficiency is no easy matter. At this stage, however, it would appear that there is a sufficient number of animals at the research station to enable a series of tests to commence—tests in husbandry, in nutrition, and in breeding.

This year there will also be a number of disease-free animals available to farmers, and this will be of considerable benefit to the industry. Current research has been increasing and it is pleasing to note that the pig research committee has been reconstituted as a Pig Liaison Committee. The purpose of this committee will be to co-ordinate all research work that is done in the industry. It should be operative and fully reconstituted as soon as the nominees from the various participating organisations are known.

Accordingly, it is a comfort to know that positive action has been taken in the matter of research. The use of the fund for this purpose can be fully justified and, as far as I am aware, no section of the industry has shown any inclination to take exception to it. A further provision, which states that funds shall be used for promotion, is, to say the least, heartening, and nothing but good can come from a move of this kind. This has been heralded with a great deal of enthusiasm by those engaged in the industry.

One point I would like to make in conclusion, is the apparent degree of harmony and co-operation which has been evident in discussions between the Minister and the various sections of the industry. This has been commented on at several levels, and again it is reassuring to know that

the Minister will undertake no further positive changes without consultation. He did mention the question of the fixing of the exact amount of the levy and said that this would not be entertained until such time as substantial agreement had been reached by those whom it would affect. We on this side of the House support the measure.

**MR. McPHARLIN** (Mt. Marshall) [7.44 p.m.] As mentioned by the member for Warren, this is the third complementary Bill that has come before the House in connection with exotic diseases. After reading through the Bill it appears to contain an amendment which is quite acceptable to the industry; and it is one which I think the House will support without a great deal of comment.

However, I would like to mention a few matters which I think are worthy of comment. The member for Warren concurred that the Chief Veterinary Surgeon is the man most qualified to determine a valuation and assess how much compensation should be paid, and with this I agree. The amendment will provide that the market value of a pig shall not exceed the amount recommended from time to time by the Minister and approved by the Governor. Under the parent Act, the maximum is $80, which fact was mentioned by the member for Warren. Under this proposal, the valuation will be made on the market value, and this can be varied. This is an acceptable amendment and one which I think should not be opposed to any extent.

Section 13 of the principal Act is to be amended to allow the fund to be utilised for research into the pig industry—this also was mentioned by the member for Warren—and I think it is an industry where there is room for the promotion of research into various aspects. I think it is desirable that this be encouraged.

In the wheatbelt, of recent years, there has been a tremendous increase in the number of pigs that have been bred and sold. We used to think of pigs as being a sideline to the dairying industry, which is carried on in the wetter areas. However, there has been a tremendous influx of pigs into the wheatgrowing areas. I think one could say that Merredin is the centre where the greatest number of pigs is sold in Western Australia. These pigs are drawn from quite an extensive area of the wheatbelt. So we find that the industry has expanded; and these grain-fed pigs are very desirable for the trade and are much sought after. Perhaps with the passing of this measure farmers will be able to deviate from their present line of production of wheat and sheep and carry pigs as a sideline in order to increase their income. This is desirable, when one remembers that the other industries are not returning the profits we hoped they would.

The amount of the levy at the present time is not very great; and it would seem that in regard to other compensation funds there is a matching arrangement with the Government. I refer to the Cattle Industry Compensation Fund where the Government matches a contribution from the industry on a dollar for dollar basis. The pig industry has never been helped to this extent; it has battled along on its own over the years without any help of this kind from the Government.

I would like to think the Government would give some consideration, after consultation with the industry, to matching a contribution made by the industry, as this would be of great help. If this can be done in relation to the cattle industry, then some consideration should be given to its application to the pig industry.

I think the Bill is acceptable as the amendments are indeed the type for which we are looking. With the suggestion that the Government give consideration to providing the industry with a matching grant on a dollar for dollar basis, I support the Bill.

**MR. JONES** (Collie) [7.51 p.m.]: Although this Bill is small in size it does, in my opinion, propose to make very radical changes to the Act. As has already been indicated by the member for Warren, we on this side of the House support the measure. I have noted that since the Pig Industry Compensation Act was first passed, very few amendments to it have been submitted to this House. My research tells me that up to this point of time amendments have been made to the parent Act on three occasions.

Perhaps I should indicate that it is rather odd for me to be supporting the Minister for Agriculture. All I can say is that it is something new to me; and I would suggest it is a great pity I cannot support him in connection with the administration of another portfolio which he holds.

Mr. Nalder: Don't be backward!

Mr. JONES: Perhaps after those few words, we might even be told in this House tomorrow the price of oil! The member for Warren has already clearly outlined the intention of this legislation. It contains seven amendments to the principal Act and it is not my intention to go over the ground that has already been covered by that speaker. However, I would like to mention some of the important changes which have been introduced by this measure.

Firstly, there is the question of the jurisdiction of the Chief Veterinary Surgeon in regard to compensation payable and the reason for payment. In my opinion this is a technical matter and is one that should be the prerogative of the Chief Veterinary Surgeon. I am sure this amendment will undoubtedly bring more efficiency to the industry.

The change being made to the interpretation of "approved person" is good; the change to the Chief Veterinary Surgeon is desirable and will, no doubt, prove of benefit to the industry and those asso-

ciated with it. As the Minister pointed out when introducing the Bill, decisions must be made at short notice. No doubt, with the change in the application of the Act and the jurisdiction being conferred on the Chief Veterinary Surgeon, this will be of great benefit.

The amount of the levy at the present time is not very great; and it would seem that in regard to other compensation funds there is a matching arrangement with the Government. I refer to the Cattle Industry Compensation Fund where the Government matches a contribution from the industry on a dollar for dollar basis. The pig industry has never been helped to this extent; it has battled along on its own over the years without any help of this kind from the Government.

I would like to think the Government would give some consideration, after consultation with the industry, to matching a contribution made by the industry, as this would be of great help. If this can be done in relation to the cattle industry, then some consideration should be given to its application to the pig industry.

I think the Bill is acceptable as the amendments are indeed the type for which we are looking. With the suggestion that the Government gives consideration to providing the industry with a matching grant on a dollar for dollar basis, I support the Bill.

As has already been said by the two previous speakers, the definition of "disease" is changed by the deletion of swine fever, and this disease now comes under the jurisdiction of the Exotic Stock Diseases (Eradication Fund) Act, which was recently passed by this House.

The basis of valuing a pig destroyed has also been changed; and this move is highly commendable. Up till now we have had the situation where the maximum compensation payable when it has been necessary to destroy a pig has been $80, but the amendment is more realistic and allows the officer responsible to make a valuation at market level and according to the state of the industry on the day.

The provision to allow the Chief Veterinary Surgeon, or approved person, to determine the value of a destroyed pig will also achieve greater efficiency and save a lot of wasted time to the industry.

The member for Warren queried the matter of research into the pig industry and its effectiveness in the prevention of disease. I support the proposition for research, because if diseases can be prevented or minimised, this will undoubtedly be of great assistance to the industry and those associated with it.

There is one question I would like to pose to the Minister so that I may hear his comments when he replies. I refer to section 13 of the Act which deals with compensation payable and the stamp duties involved. I note that under this section advances can be made by the Treasurer, but these are repayable from the fund at a later date. I would like to know the present position of the fund and whether sufficient finance is being made available for research and for compensation. The Act is very clear, but the state of the compensation fund was not made known when the Minister introduced this measure. Of course, the Bill extends the use of the moneys obtained from this source; and it is now intended that they be utilised to promote research into pig diseases and into pig husbandry.

In addition, moneys will now be applied from the fund to promote and encourage the pig industry and the general sale of pig meat. This, of course, is a measure which has the approval of this side of the House. However, I would like to know the amount of money in the fund for the purposes I have mentioned.

Mr. Graham: I think it is about $300,000.

Mr. JONES: That is the question. The previous speaker indicated that he was concerned about the amount of money in this fund for the purposes that have been outlined and I, for one, am not aware of the position. The Deputy Leader of the Opposition has indicated a figure, but I do not know if it is correct. This measure does propose radical changes to the parent Act, and I hope that the Minister, when he replies, will be able to indicate the position of the fund, particularly in connection with section 13 of the Act, as amended by this measure.

We on this side of the House have much pleasure in supporting the Bill, which we consider will prove of great benefit to the pig industry of Western Australia.

**MR. YOUNG** (Roe) [7.58 p.m.]: I rise to support this measure, the provisions of which have been covered clause by clause by the previous speakers. Reference has been made to the compensation fund, the removal of swine fever from the jurisdiction of the parent Act, and various other provisions.

There is one clause on which I would like briefly to elaborate. It deals with the promotion of pig meat and the industry generally. Members are probably not aware that the Australian Meat Board does not promote the sale of pig meat. Pig meat is entirely outside the jurisdiction of the Australian Meat Board. The reason for this is that members of that board are elected from councils set up in each State, and they represent the various meat industries. At this point of time the only pig industry council is in the State of Western Australia. The other States have not seen fit to fall into line. Therefore we have the situation where the promotion of pig meat for sale does not come within the jurisdiction of the Australian Meat Board.

The Pig Industry Council in Western Australia is all-embracing as it represents all sections of the industry. It has members representing the Australian Pig Society, W.A. Branch, the producers, the buyers, and the Farmers' Union.

This does allow a very wide coverage. All sections of the industry are vitally concerned with the further promotion of meat sales, and I am assured that if the promotion levy is used for promotional purposes there is practically an unlimited market for processed Western Australian pig meats—and this is a very desirable situation.

We are looking for outlets for the sale of our wheat, and we are told that the home consumption figure for wheat is falling. What better opportunity is there to promote another industry to attract overseas money than by the sale of processed pig meats. This would generally improve the rural economy by having another outlet for the grain, and would be another source of income for the farmers who are already established and, indeed, for some new farmers in the industry.

Referring briefly to the past position in this State, for many years the Department of Agriculture has been trying to do just what we are doing tonight. For some eight years the department has been trying to draw up a Bill similar to the one we have at the moment to bring all the facets of the pig industry into line. It is pleasing to see that the producers and the Farmers' Union are behind the scheme and at last we are in business.

Some time ago we amended the Brands Act so that it would be possible to trace diseased pigs back to the source of supply. As members are aware it is quite possible for a pig to be sent to market and for it to change hands two or three times before it is finally slaughtered. When a carcase was inspected and found to be diseased, difficulty was experienced in tracing the original owner.

With the alteration to the Brands Act we can now trace the animal back to the source of supply, and the source of infection. All these procedures will help in promoting the pig industry. If we have healthy pigs we will have a healthy industry. Generally speaking, the set-up will be—and must be—of great benefit to the State. The Bill has been fairly well covered, and I commend the amendment to the House.

**MR. NALDER** (Katanning—Minister for Agriculture) [8.3 p.m.]: I want to thank those members who have spoken in support of this legislation. I know that quite a number of members have spent some time in examining the amending Bill. They have also had an opportunity to look at previous legislation, and they have taken the opportunity, also, of contacting the different organisations and departments that are interested in this legislation.

This gives me a great deal of satisfaction, because I have been particularly interested in this section of the industry and I have had quite a lot of experience in the breeding of these animals. It has been my wish to establish this industry on a basis similar to that of other industries that enjoy the privilege of research being carried out in every facet of production in an effort to establish them on a firm and sound economic basis.

Over the years the industry in this State, and to my knowledge in other states as well, has had a rather fluctuating existence. I can recall only too well over the years—as members would know—how easy it is to increase the number of pigs in a very short period of time. A sow has a litter and, of course, the litter can range from 6, 8, 10, 12, and up to 16—and even up to 20—which means the numbers increase with great rapidity. The point I make is that the pig industry can change from an average number to overproduction and we have experienced this situation in Western Australia over the years.

I hope people will be reminded of this situation, because I can recall that not so very long ago there was an overproduction and pigs became almost valueless. So many people went into the industry not knowing how to cope with the situation, and we were faced with the problem that one just could not sell pig meat. Then, of course, those who had gone into the industry went out just as quickly. They unloaded their animals on the market and there was a glut.

We do not want this situation to exist. I think it was the member for Roe who referred to this when talking about the wheat industry. He said that some people are likely to switch to pig production as a means of getting rid of some of their grain. However, I hope this situation does not occur, because if it does we will find ourselves in the position where we will have a greater number of pigs than this State can handle. Many people will then lose money.

I would like to deal with the points raised by various members, because it is important that we at least indicate to those who are interested in the industry what the situation is. This Bill is complementary to the Exotic Stock Diseases (Eradication Fund) Bill. Swine fever is taken out of the compensation fund, and that disease will now be the responsibility of the Federal and the State Governments. It will be the responsibility of the Federal Government to pay compensation for any outbreak of swine fever in Australia, and in our particular case, in this State.

I do not know whether the Leader of the Opposition was Minister for Agriculture at the time, but I think it was in 1942, that we had an outbreak of swine fever, and a large number of pigs were slaughtered. The Commonwealth Government now appreciates that on the basis of the quarantine laws it would be respon-

sible if this disease did occur in this country, and so it has accepted that responsibility. The money in the compensation fund has been paid by the pig owners, and from that fund the owners will be paid compensation for diseased pigs. However, as I said, the responsibility for swine fever will go to the Commonwealth, and will be covered by the legislation which we passed earlier in this session.

Other diseases will be considered from time to time by veterinary officers and the industry itself, and they will be placed on the compensation list if it is considered necessary. It will be a matter of discussion and agreement if the disease is to be included in the compensation fund so that owners who might be forced to dispose of their pigs, or perhaps to slaughter them, because of some disease, will be compensated. That would be the main point.

The member for Warren referred to the value of compensation payable for stud pigs, and it was a point well taken. This matter has been discussed from time to time, and we appreciate the fact that stud pigs in the main are of more value than ordinary commercial pigs. I think the owners of stud pigs have a case, because they pay a greater sum for a stud pig, and they have a greater sum deducted from their returns in the way of tax.

So it could be argued that they would be entitled to a greater sum of money as compensation, but to carry this out is difficult and I cannot see how it can be done without causing a great deal of difficulty and inconvenience. It would be almost impracticabe to carry out, because one would have to know the value of the stud pig at the time of its death. This would be most difficult to assess and so it has been agreed that the compensation will be paid at the commercial value.

Cases have been presented, but it is very difficult indeed to be able to deal with this question with fairness to all concerned. Therefore the payment of compensation has been accepted as set out in the present Act.

The same honourable member also mentioned the right of appeal. We find that up to this time the provision in the Act has been satisfactory. The industry has been satisfied that the provisions of the Act have been carried out by the department, and it has not been necessary at any time for people to appeal against a decision as to the value of an animal. Actually, I do not think it would be economical for them to argue, because in all cases, to my knowledge, there has been an understanding by those people in authority who assess the value that they have erred perhaps more on the side of the owner. In those cases there has been a general expression of satisfaction.

If we find that as time goes by it is necessary to introduce this provision, I will be quite happy to discuss it with the industry. However, up to this point of time it has not been necessary, and I see no reason for it to be in the Act if it is not required by the industry.

Mention has been made by one honourable member of the situation at Medina, and I am glad that he appreciates the difficulty. I think that all members in this House would also appreciate the situation. When something new is set up untold difficulties arise. This is the first experience that the Government has had.

We have not had any previous experience with a research station of this type for pigs. We had to progress slowly, and already some of the buildings, and some of the experiences we have had, have proved that there will have to be a continual review of this situation.

I must say I have been a little disappointed at the speed of some of the experimental work. However, I must recognise that it is very difficult indeed to get the right type of person who is interested in this industry. It is not an easy one; it has a number of difficulties. One just cannot knock off on Friday night and leave the pigs until Monday morning.

It is necessary to have a person who is prepared to stay with the pigs for seven days a week, and this presents one of the difficulties associated with the industry. People who are prepared to sacrifice their time to stay continually with these animals are needed if we are to carry out the type of research which is required. However, we have not been able to get the type of staff which is necessary for this work.

The industry is very hopeful at the moment, because it has dedicated people taking an interest in it. It hopes before long to be able to hold some field days to demonstrate the type of work, the types of experiments, and the type of research that are being carried out within the industry.

I wish to make some reference to disease, which is one of the biggest problems in any livestock industry. It is hoped that research in this respect will help the industry. I am pleased that the industry has agreed to make a contribution for research. I want to make it perfectly clear that the matters of research and promotion are two distinct matters that have been discussed in this field.

In this connection it is hoped to carry out research which is practicable and which will make information available not only to technicians, but also to the farmers, especially on the economics side, so that in the end result a situation will be created in which the industry is more profitable than it as at the present time.

Another point is in regard to the Medina station. It is hoped to introduce disease-free, or minimal-disease, pigs. However it would take some considerable time for

me to go into the details of this aspect. In the operation of establishing a disease-free pig, a pig is taken at birth and kept completely free from contact with other animals. After this has been done for two or three generations, and after killing any section of the litter which may not be disease-free, it is estimated that a certain percentage of the pigs will then be disease-free.

Experiments are being carried out on this basis to establish the relative values of different types of feed; that is, various grains and cereals, such as wheat, oats, and barley; and also meat meal, fish meal, and the like. These experiments will determine the weight gains made by animals on different sorts of feed. I wished to make that point because it is very important in the field of research, which is a very wide one.

I shall now make reference to promotion. The industry believes in promotion and it is quite obvious that it realises the importance of it. The money which will be deducted from the returns of growers will be put aside and, at times, used if the industry feels it is necessary for the promotion of the sale of pig meats. This could be carried out not only in this State, but also overseas if the industry feels it would be of advantage.

The member for Mt. Marshall suggested that in regard to research the Government might be interested in making a contribution to the industry, or matching the contributions made by growers. I might say that this thought has already been advanced in a discussion which I had with the industry, and I hope to take the matter further. I consider that if this has been done in other sections of industry, it is fair and reasonable to look at it from the point of view of the pig industry, and maybe to adopt the same approach.

I make this point: up to this time the Government has spent a considerable amount of money on the establishment of a research station at Medina, and the industry made no contribution; although I believe a number of stud owners have made their pigs available to the Government at a reasonable price in order that experimental work may be carried out. I agree that there is a case, but I cannot promise that anything will be done. However, we will discuss it, and if money can be made available then I am sure we will endeavour to encourage the industry to make a contribution on the basis that has been suggested.

If this legislation is passed, I hope to have discussions at an early date and, if possible, to have this system working by the 1st July of this year. The sooner we do this, the better it will be. However, the fund will be available at some later stage, and will be able to contribute to research and promotion.

The member for Collie asked a question concerning the amount of money held in the compensation fund. I might mention here that over the last few years the amount deducted from the returns of the growers has been reduced. This is because at one time the amount in the fund was rapidly increasing to a fairly high figure, and it was considered at that stage it should be reduced. At the present time it is, as the Deputy Leader of the Opposition said, in the vicinity of $300,000—to be correct, $296,953.

The drain on the fund and the contributions to it are almost equal at the moment, and if it is found that the fund is being reduced, then it will possibly be necessary to increase the growers' contributions slightly. I am sure the industry will be prepared to meet this situation if it arises.

The member for Roe mentioned the Pig Industry Council. I think I mentioned earlier that we have established a Cattle Industry Council and a Sheep Industry Council. The members of the Pig Industry Council are representative of all sections of the industry. There is also a research committee which represents both the stud breeders and the commercial breeders, and which includes representatives of the department who are concerned with research. As far as the council is concerned, if it wants any information at all from the department, it is up to it to invite officers of the department—or anybody else for that matter—to discuss any matters concerning the industry. Those people can make recommendations back to their own organisations or to the Government.

I think I have covered all the points made by members, and I thank them for their interest. Before I resume my seat I want to say that nothing will be done with regard to compensation, promotion, or research, without full discussion with the industry. The industry has co-operated in the past and I think it will continue to do so. It gives me a great deal of satisfaction to know that we have been able to achieve this position, and I am sure that the industry will be advantaged as a result.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## LAND ACT AMENDMENT BILL, 1969

*Second Reading*

Debate resumed from the 23rd April.

**MR. NORTON** (Gascoyne) [8.27 p.m.]: I think by introducing this Bill the Minister is trying to do something which we would

all like to see done. However, I feel that the Minister's method is not the right one, although at the moment I cannot suggest anything better.

Mr. Bovell: Thank you for that!

Mr. NORTON: I said "at the moment." I might be able to at the end of what I have to say. When introducing the Bill, the Minister said—

> The amendments proposed to sections 91, 115, and new clause 115A are to give the Minister for Lands a right to exercise his discretion to approve of the transfer of shares in a company which holds a pastoral lease.

The Minister went on to say—

> There is a legal impediment to the exercise of the discretion in the transfer of shares of a company which holds assets including pastoral leases, as these shares may be freely offered on the Stock Exchange.

Mr. Bovell: The impediment is in the Australian Constitution.

Mr. NORTON: The Minister did not say so; he did not explain that point. He can get people into bother if he does not give the right explanations.

Mr. Brady: Hear, hear!

Mr. NORTON: To continue—

> Therefore, a pastoral lease may change hands simply by the transfer of shares in such cases, without the Minister being aware that this is happening.

Now let us look into the past a little and go back to the days of the 1930s and the post-war years when a number of pastoralists were starting to build up their acreages. Land was comparatively easy to obtain in pastoral areas, and pastoralists were increasing their stations by taking out leases in the names of the various members of their families, and running the pastoral areas under the names of stations.

However, the 1963 amendments to the Act waived this requirement, and each pastoral area had to register its name. All the leases within that holding came under the one heading which enabled the Minister to have some grip or control over the actual size of any station conducted by any company. The 1963 amending Bill also provided that no holding should be more than 1,000,000 acres in extent. I understand that provision to mean that only one company, one individual, or several individuals could have only one holding representing 1,000,000 acres.

However, in later years we have what are termed foreign companies taking over pastoral areas, and by foreign companies I do not mean overseas companies, but those which are incorporated outside Western Australia. They can be incorporated in other parts of the Commonwealth.

Mr. Bovell: Any company incorporated outside of Western Australia is termed a foreign company.

Mr. NORTON: That is so. For instance the Australian Lands and Cattle Company, which was referred to this evening, is regarded as being a foreign company in this State, because it was incorporated in New South Wales.

Mr. Bovell: That is so.

Mr. NORTON: However, I will deal with foreign companies a little later in more detail. If an examination is made of the Companies Act it will be found that a foreign company has to fulfil certain obligations. It is not my intention to read all of such obligations, because they cover several pages. However, I will quote the main ones from the Act. As far as we are concerned this evening the principal obligation upon a foreign company is contained in the first two or three paragraphs of section 346 of the Companies Act, which reads—

> Every foreign company shall, within one month after it establishes a place of business or commences to carry on business within the State, lodge with the Registrar for registration—
>
> (a) a certified copy of the certificate of its incorporation or registration in its place of incorporation or origin or a document of similar effect;
>
> (b) a certified copy of its charter statute or memorandum and articles or other instrument constituting or defining its constitution;
>
> (c) a list of its directors containing similar particulars with respect to its directors as are by this Act required to be contained in the register of the directors, managers and secretaries of a company incorporated under this Act.

Although it is not provided under the Western Australian Companies Act, that particular provision requires that foreign companies should lodge a list of their shareholders with the registrar, so here the Minister is faced with the problem of finding out the directors or shareholders of these foreign companies which are establishing themselves in the pastoral areas. I would point out that Vesteys is one foreign company which has been established, and operating, in the Kimberleys for many years. However, the name of Vesteys is never seen in connection with pastoral leases.

Under sections 113 and 115 of the Land Act it appears to me the Minister has all the powers he needs to ascertain the share-

holders or directors of local companies or corporations, and the names of those who constitute local partnerships. But how is the Minister to find out who the shareholders are of companies which recently purchased stations in the north-west; that is, the Kaiser Aluminium and Chemical Company of America, and Placer Developments? These companies bought Moola Bulla and Amherst stations. If any one of the shareholders of those companies were to transfer his shares in America, virtually, he would be transferring his interest in these two stations. As the Minister said, the shareholders would be transferring their interests in the stations in proportion to their shareholdings.

How is the Minister to exercise control over those two stations when they are now owned by foreign companies? On returning to examine the situation relating to Vesteys, it is found that under sections 113 and 115 the Minister has considerable powers of control over that company and its shareholding. Firstly, section 113 of the Land Act provides, with which I wholly and solely agree—

> The maximum area held under partial lease by one person, or by two or more persons jointly, or by any association of persons incorporated or unincorporated, shall not exceed one million acres; . . .

That section sets out very clearly that not more than 1,000,000 acres can be held by one individual, a number of persons, or a company. Subsection (6) contains one of the provisions which gives the Minister power to ascertain the shareholders of such company. It reads—

> Any person being a lessee of or having any share or interest in pastoral land may be required by the Minister at any time to make a statutory declaration that his beneficial interest in pastoral land does not exceed the maximum area that he may lawfully hold or acquire.
>
> In the case of an incorporated company, such declaration may be made by any director or the secretary or attorney of such company.

I cannot see why the Minister cannot obtain those declarations from the secretary or attorney of the company.

Mr. Bovell: It would be too late after the company is established.

Mr. NORTON: I ask the Minister to let me develop my theme on this point. Paragraph (c) of subsection (1) of section 115 reads as follows:—

> The Minister may, in his absolute discretion, refuse to approve of a transfer.

That is, to any incorporated company. To continue—

> For the purpose of this paragraph the Minister may require . . . . any director, shareholder or officer of any such company to make one or more statutory declarations containing such information as the Minister deems necessary to enable him to exercise his discretion as aforesaid.

However, as I have said, and as the Minister has said, this is not easy with a foreign company, which is well illustrated by some questions which were asked by the former member for Kimberley in this House in 1963. The companies referred to in these questions are, I understand, among those which form the network of Vesteys' stations in the Kimberleys.

It must be borne in mind that all these stations are virtually controlled by one person in Darwin, although they may have their individual managers.

Mr. Bovell: If that is so it commenced a long while before I became Minister.

Mr. NORTON: I know that, but I am bringing this matter forward to illustrate what is going on. If the Minister knows his Act he will appreciate that there is a section in it which provides that any person holding a property prior to the introduction of this legislation will still be entitled to hold it. As I have said, Mr. Rhatigan, the then member for Kimberley, asked the Minister for the North-West how many head of stock were slaughtered and so on, and then he asked what was the acreage of each station, who were the shareholders in each station, and where they resided. The stations mentioned in this question were as follows:—

> Sturt Creek Pastoral Co.;
> Nicholson Pastoral Co.;
> Gordon Downs Pastoral Co.;
> Turner River Pastoral Co.;
> Ord River Pastoral Co.;
> Spring Creek Pastoral Co.;
> Mistake Creek Pastoral Co.

The Minister for the North-West, in answering the questions, was able to give the shareholders or directors of only one company which was incorporated in Western Australia; namely, the Sturt Creek Pastoral. As the member for Kimberley at that time was not able to get the information he sought in regard to the other companies he asked the Minister representing the Minister for Justice a question, the initial portion of which set the names of four companies as follows:—

> In respect of each of the following pastoral stations:—
>
> The Nicholson Grazing Co. Pty. Ltd.;
>
> Gordon Downs Ltd.;
>
> The Turner Grazing Co. Pty. Ltd.; and
>
> Ord River Ltd.

They were then classified by the member asking the question at that time as foreign companies. In his reply the Minister for the North-West gave a list of the shareholders. From the reply given it is found

that the Nicholson Grazing Co. Pty. Ltd. had six shareholders. One of them resided in England and the other five resided in New South Wales.

From the answer to that question it was found that the Turner Grazing Co. Pty. Ltd. had five directors, all of whom formed the directorate of the Nicholson Grazing Co. Pty Ltd. The remaining director in the Nicholson Grazing Co. Pty Ltd. was Edwin John Bowater who resides in England; the other five directors all reside in New South Wales. Both of those companies were incorporated in New South Wales, but Gordon Downs Ltd. and Ord River Ltd. were incorporated in the Northern Territory. In referring to those two companies it is found that Alison Seymour Bingle is a director of both companies and that Reginald Stephen Beak is an overseas director of Gordon Downs Ltd., and his domicile is in Buenos Aires. The list also shows that James Flynn of Paris is the overseas director of Ord River Ltd. There is no doubt that the personnel of these directorates is a cover-up to overcome the provisions of the Act which provide that any property shall not exceed 1,000,000 acres.

In fact, Gordon Downs Ltd. and Ord River Ltd. hold well over 1,500,000 acres between them, and yet both companies have practically the same directorate. It would seem that the Australian personnel of such directorates are merely dummy or administrative directors so that the company can avoid the provisions of the Companies Act.

In the same year, the former member for Kimberley asked the following question of the Minister representing the Minister for Justice:—

> Are any—and if so which ones—of the following foreign companies carrying on business in this State, subsidiary companies, and what are the names of the respective holding companies (within the meaning of section 6 of the Companies Act, 1961-1962):—
>
> (a) Nicholson Grazing Co. Pty. Ltd.;
>
> (b) The Turner Grazing Co. Pty. Ltd.;
>
> (c) Ord River Ltd.;
>
> (d) Gordon Downs Ltd.?

The Minister for Industrial Development replied as follows:—

> The records of the Companies Registration Office in Perth do not contain and are not required to contain information as to whether or not any of those companies are subsidiaries and there is no information as to the names of the respective holding companies if there are such.

There is no doubt that they are all subsidiaries of Vesteys. So we see there is one way to overcome the 1,000,000-acre restriction; and these are not the only companies which are held by Vesteys in Western Australia. I mentioned before that the Kaiser Aluminium Co. and Pacer Developments had purchased Moola Bulla Station and Mount Amherst Station. Even if they do have a subsidiary company incorporated in one of the States, I wonder how the Minister will keep track of the shareholders who transfer their shareholdings. If the shareholders in these companies form a subsidiary, then those shareholders must have a pecuniary interest.

Mr. Bovell: This legislation is designed to prevent that in the future.

Mr. NORTON: Will the Minister explain how the amendments in the Bill will achieve that? The first two amendments in the Bill are quite simple, and they merely seek to amend sections 91 and 115, and are concerned with the approval of the Minister in respect of the sale of pastoral lands to a body corporate. In these instances the Minister may require such additional information as he desires, and he may impose additional terms and conditions as he thinks fit. I have no quarrel with the intentions of the amendment, but I cannot see how the Minister will achieve what the Bill sets out to achieve.

The main amendment is to section 115A of the Land Act, and this deals with pastoral leases. Paragraph (b) states—

> the working of that pastoral lease or the working of that pastoral lease together with the working of any other pastoral lease or pastoral leases of which the company is also the holder, constitutes the principal activity or, one of the principal activities of the company,

We know that very well. The proposed new section 115A states further—

> the company shall not register a transfer of any share in it unless the instrument of transfer of the share has been endorsed with the approval of the Minister to the transfer.

How will the Minister be able to know the shares being transferred? I feel he is attacking this question in the wrong manner, and is amending the wrong section of the Act. He should take a further look at the set-up, because I do not know from where he will get the required information. These are foreign companies, because there is American capital in them. I feel that an amendment to the Act should be made so that any company, classed as being a truly foreign company, applying for a lease of any pastoral land or for the transfer of any lease of pastoral land shall register with the Lands Department a full list of the shareholders, and shall from time to time advise the department of any transfer of shares. Such a provision would give to the department, from the outset, some idea of what is taking place.

To try to get someone to admit he is selling shares, to get him to advise the Minister accordingly, to get him to seek the permission of the Minister to sell them, and then after he has found a buyer to get him to go back to the Minister and seek permission to sell the shares to that person, is difficult to implement. That is what the amendment in the Bill amounts to.

The difficulty lies in the transfer of shares. What will happen in the case of a proprietary company? There might be a proprietary company consisting of seven or eight shareholders, all of whom have an interest in one station or a number of stations. In the case of proprietary companies, I understand that any shareholder who wishes to sell his shareholding must first offer the shares to the other shareholders in the company, and the other shareholders may accept or decline to buy them. If they decline he can sell the shares outside, but in doing so he lets into the company an outside person who might wish to obtain information from within the proprietary company. These are the things I am trying to prevent.

Mr. Bovell: At least we are making a start.

Mr. NORTON: I am trying to help the Minister. I admit he is making a start, but I cannot see how this will be effective. I have looked at this from every angle, but I feel he is not on the right lines. In seeking to amend the Act in this way the Minister is not carrying out what is intended, because I still believe that the maximum area to be held by a company or a person shall not exceed 1,000,000 acres.

Let us take a hypothetical case of 10 persons who form themselves into a company to deal in pastoral land. Each of those 10 persons in the syndicate is entitled to hold 1,000,000 acres according to the Minister's statement. Therefore that syndicate could control 10,000,000 acres and not 1,000,000. That is the way in which this amendment will work, and that is the way in which it has worked out in the case of Vesteys. It owns a number of stations which are all controlled by one man on its behalf.

We know the principal directors in the lists which I have read out. It will be found that they are the shareholders of Vesteys and the directors are the administrative staff in Australia. We will find from the list supplied by the Minister today that in the case of the Australian Land and Cattle Company there is one principal shareholder, but the shareholders he mentioned in Western Australia and the one in New South Wales are the administrative shareholders in Australia for the American company. These people probably hold very few shares; just sufficient to enable them to be directors. Whilst I appreciate what the Minister is trying to do, I think he is not on the right track to overcome the difficulties.

**MR. BOVELL** (Vasse—Minister for Lands) [8.46 p.m.]: I thank the member for Gascoyne for his comments. This legislation is an exercise designed to maintain the interests of any person who owns an area of pastoral land not exceeding 1,000,000 acres. I have made many inquiries of the legal advisers of the Government, because I wanted a blanket cover over all companies—existing and future—but I was informed that under section 92 of the Constitution which allows free trade and commerce between the States it is not possible to control the shares of companies which have assets, including pastoral leases, and which are not incorporated in Western Australia.

In a further endeavour to overcome the problem I asked for Crown Law advice as to how we could prevent the position from becoming worse than it is at the moment. It must be admitted that the companies mentioned by the member for Gascoyne, such as Vesteys, have been operating since before I was born, and that was a long time ago. So I cannot be blamed for the position that has existed and that has continued to exist over the years.

Mr. Norton: I only used that as an illustration.

Mr. BOVELL: I realise that. In the initial development of pastoral land, most of the leases were taken up by individuals such as the McLartys, the Forrests, the Roses, and other old families.

Mr. Jamieson: I have never heard of them!

Mr. BOVELL: Those people journeyed to the north, and with all due credit to them they established these pastoral areas. In recent years there has been a tendency to form companies to provide for all eventualities, such as taxation, probate, etc.: consequently they have spread their interests.

The larger companies, and what I term to be foreign companies because they are incorporated outside Western Australia, have seized the opportunity to develop these areas. We should not prevent them from doing that, because any capital we can attract to develop Western Australia is very welcome. However, we should adhere to the principle of one person not having a beneficial interest in more than 1,000,000 acres.

At the moment there is a number of these foreign companies operating in Western Australia, and reports have revealed dealings in large pastoral leases in recent times. Let me say that in regard to the Australian Land and Cattle Company, to which rference was made in the debate on a previous Bill, the principals have been most co-operative. At my re-

quest, but under no legal obligation, they have supplied me with a full list of the shareholders and of their pastoral leases in Western Australia. If my memory serves me aright, not one of them individually has a beneficial interest exceeding 1,000,000 acres. We cannot do anything about the foreign companies which have become established here but are incorporated outside Western Australia, and which have assets other than pastoral leases but including pastoral leases. We have to accept them.

I regret that I did not mention in my second reading speech that section 92 of of the Constitution prevents the Government from introducing effective legislation in this respect in Western Australia. This State cannot legislate in that direction; neither can the Commonwealth nor any of the other State Parliaments. As I mentioned in my second reading speech there is a great number of leases which are still privately owned.

Mr. Norton: They are family propositions.

Mr. BOVELL: Yes. In order to keep these leases within the jurisdiction of the Land Act they will be required in the future—as conditional purchase lessees at present are required—to apply to the Minister for permission to dispose. If these leases are taken over, the companies may be required to be incorporated in Western Australia, because the Minister has a discretion in this matter. We cannot stop the spread of the activities of the foreign companies at present.

Now, as I have explained, that is the principle in this Bill. It is to ensure that this does not grow so that foreign companies have extensive pastoral leases. This also applies to the leases over which we at present have control. The member for Gascoyne read out that one provision in the Bill which gives the Minister all power to ask for this and that, and certain information, and that when that information is forthcoming, as it must be forthcoming, with regard to the proposed transfer of leases, then the Minister of the day, whoever he might be, can decide whether the pastoral lease shall be sold.

The honourable member referred to the Kaiser Company and said that the owner of Moola Bulla was a local company and had sold its shares. In these circumstances the department is virtually presented with a *fait accompli*, and the Minister has no legal right to demand any information about the shareholdings of the new owner. However, under this legislation he will have.

Mr. Norton: That is, 2,500,000 acres.

Mr. BOVELL: Therefore it will at least provide some protection against people holding a beneficial interest in areas of land over 1,000,000 acres. I do not say this legislation is perfect, but with this session now in progress, the Government considered it should at least initiate some jurisdiction over the sale of pastoral leases.

We can always further amend the Act. If the member for Gascoyne, or any other member, has any suggestions to make, they will be carefully considered by the Government. It is the Government's endeavour at least to provide some protection for the pastoral leases so they will not come into the possession of one or two individuals, or large companies. That is the purpose of the legislation—to ensure that the intention of the present provisions of the Land Act are carried out.

In his opening remarks, the member for Gascoyne indicated that he was not very satisfied that this legislation was going to be effective. That remains to be seen. He also stated that he could not suggest any other remedy at the moment. I have tried to present something to Parliament which the Government's legal advisers consider may assist this position.

I think I have answered most of the queries, and can only repeat that this legislation is designed to ensure that no one individual has a beneficial interest in more than 1,000,000 acres of pastoral lease country.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## BILLS (2): RETURNED

1. Judges' Salaries and Pensions Act Amendment Bill.
2. Acts Amendment (Superannuation) Bill.

Bills returned from the Council without amendment.

## TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 23rd April.

**MR. TOMS** (Ascot) [9.7 p.m.]: When the Minister introduced this Bill he made the statement that it contained small amendments. It contains three amendments and, no doubt, they are small; but when we consider that two of them have arisen out of court cases which were held to prove that the Act was inadequate, we can probably gauge that they are not as small as at first thought.

I would at the outset like to put the Minister's mind at rest and say that those on this side of the House are very happy with, and are prepared to agree to, the three amendments.

I was a little disturbed in one way about the presentation of the case. Had I not had the opportunity of reading the speech of a member in another place, I would not have known much about the first amendment, because the speech of the Minister here and the speech of the Minister in another place certainly did not throw very much light upon it. However, I did read the speech to which I have referred and the explanation given by the honourable member concerned was very clear.

The first amendment was found necessary because of a decision of the High Court of Australia, which held that the wording of section 20 was such that the intention of the Act could be circumvented with regard to the time factor concerning the disposal of land by lease or license other than in lot or lots for any term exceeding 10 years unless otherwise approved by the Town Planning Board.

It was proved that it was possible to delay this 10-year period for up to 20 years before the land could be touched or developed as it was intended to be. The first amendment, therefore, proposes to close this gap, and I am very happy to agree to it.

The second amendment was found necessary because of another court case, and deals with an amendment which we made in this House in 1967 to section 20, then numbered section 20B, which had relationship to a person being able to enter into a contract to buy land before the final approval of the Town Planning Board to subdivide had been granted. We thought at the time that this section was rather well worded, but we could not see the danger that could arise if the land were not subdivided and the person who had contracted to buy the land was held up for an indefinite period. The purpose of the second amendment is to make it mandatory regarding the period of six months, or a period agreed upon by both parties. At the expiration of that time, provided the subdivision has not taken place, the party concerned can demand his money back.

The third amendment, which I particularly welcome, concerns the attempt to speed up the time of subdivisions. It has been stated by the Ministers, both here and in another place, that it was possible that in some cases the plans of subdivision had to be submitted three times to the board. Even though the board had given preliminary approval, the plans had to be sent back again for final approval, and in some cases a third approval was necessary. Under this amendment this third approval will not be required.

I believe many local authorities have had a great deal of worry in trying to get subdivisions approved. Any attempt to short circuit the particular moves at present necessary will be welcomed by those local authorities.

It is also pleasing to know that in this regard another Bill has been introduced to help in the matter of titles. I was at the Titles Office recently and if it was not a rat race, I have never seen one. I have never seen so many people crammed into such a small space and still able to breathe. I am informed that this has been going on for many years. It is disheartening for people who are trying to get land subdivided to find so many frustrations in the way.

That covers the few small amendments in this Bill. I only hope the last amendment will assist in speeding up subdivisions so that a lot of the schemes now being instituted by local authorities can be expedited to the advantage of the ratepayers. I support the Bill.

MR. LEWIS (Moore—Minister for Education) [9.13 p.m.]: I appreciate the support given this Bill by the member for Ascot. When he commenced his remarks I thought he was inclined to be a little critical of the way the Bill was presented and the information given. He referred to the fact that he would not have known as much as he did about the Bill had he not referred to a speech by a member in another place.

However, I listened to him very carefully, and he more or less reiterated the remarks I made when I introduced the second reading. I do not desire to quarrel with the honourable member at this stage. I thank him for his support of the Bill.

Although when I introduced the Bill I said it contained small amendments, I did not imply in any way that they were unimportant. I agree they are important to the legislation, and will do much to tidy up the Act. I therefore commend the Bill to the House.

Question put and passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Lewis (Minister for Education) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 20—

Mr. GRAHAM: Although I agree with the observations made by my colleague, the member for Ascot, I am a little concerned at the period of time which is stipulated. A period of six months is laid down between the date of the sale of a parcel of land and when it is possible to finalise the transaction.

Although it might appear to be the last element, I think we should have regard, first of all, to the delay which occurs in the Titles Office in the issuing of titles. In

addition, there are all the procedures before that which concern a properly designed subdivision of the area and its approval by the local authority or the town planning people. Members can speculate that a period of 12 months or more could easily be involved. Indeed, that has been the experience.

Perhaps it is a little way from the Government's intentions on the matter; but if anyone seeks to purchase a quarter acre of land certain processes could be necessary, and if they are not completed within six months then that person would have the option of withdrawing from the contract or the agreement. I know of many cases in the district which I represent where land is sold in broad acres but the sale has effect and is finalised when the plan of subdivision is approved. Often this is a long exhaustive process. The person who owns the land is in no way responsible for the passage of time. The delay is caused because of departmental requirements and because of the incapacity of public authorities to deal expeditiously with these cases.

Whilst it is perhaps desirable to have an escape provision, it occurs to me that this is loading things too much in favour of the person who is either buying or seeking to buy. I say that with a certain amount of feeling, because on a number of previous occasions I have pointed out to the Government and to members the most unhappy plight of people who are the owners of land and who are anxious—indeed, in some cases virtually compelled because of circumstances—to dispose of their land, but they are unable to do so because of a whole number of town planning considerations. The position of those people will be worsened by this provision.

One case particularly springs to mind. The person concerned is a widowed pensioner lady in her seventies. She sold her property—and I use the word "sold" in inverted commas—more than 12 months ago to a person who would be well known to very many members, but that transaction has not yet been flanalised, because a condition of the sale was that, apart from a small percentage, the sale price would not be paid until a plan had been approved for the subdivision of the block of land which, from memory, is in the vicinity of five arces.

I do not know what the position would be if that transaction were called off; because a deposit was paid and the lady has built herself a house with the money. As I mentioned, she is a pensioner. More than six months have passed and this lady could find herself in difficulty if the legislation became operative without any provision to include the words, "in respect of any transactions thereafter." I suggest that she could be required to refund the money that has been paid, because the transaction had not been finalised within a period of six months. Accordingly, a most extraordinary situation would be reached.

I hate to do it, but I think in all conscience I should suggest that the Minister agree to report progress for the purpose of having discussions with the Minister whose responsibility it is; namely, the Minister for Town Planning in another place. I ask the Minister to see whether it is acceptable to the Minister for Town Planning that the proposed procedure should operate in respect of any land sale transactions hereafter; because, as I read this, it has a retrospective effect.

I want to apologise for not having brought this point to the notice of the Minister prior to this; but I must confess that with all the hurly-burly surrounding this week and last week it has not been possible to give to all the measures attention which one should. It was only whilst the debate was ensuing that I noticed this point and related it to the cares I have in mind.

A grave injustice could be done to very many people. My heart goes out to this woman who is nearer to 80 than 70, alone in the world, and who, perchance, could be called upon to dispose of her house. I mention that the original property which she vacated is condemned because it is white ant eaten. What is her situation? Also, how many more cases are there which may be even more serious; or cases which, in any event, would cause a great deal of embarrassment to those concerned? I think we should find out; but perhaps that would be impossible.

Six months is regarded as the limiting factor. I understand that not only the Minister but the Town Planning Department, and lawyers who have assisted many people in respect of land sales or proposed land sales, all agree, firstly, with the principle, and, secondly, with the time laid down. My only point is that it could seriously and adversely affect very many transactions that were entered into in good faith up to the present time. I think that position ought to be covered.

Mr. LEWIS: I regret very much that this point was not raised before now, because the Deputy Leader of the Opposition will appreciate that I am dealing with legislation with which I do not come into daily contact in an administrative capacity.

Mr. Graham: I acknowledge this.

Mr. LEWIS: Therefore, the Deputy Leader of the Opposition has caught me on the wrong foot, as it were. I do not want to be unreasonable and certainly at this point was not raised before now, become.

Mr. Graham: No.

Mr. LEWIS: However, in view of the honourable member's remarks, I am quite

prepared to delay the measure for a little while, bearing in mind the lateness of the session.

Mr. Graham: Half an hour would be satisfactory if the Minister is able.

Mr. LEWIS: I will endeavour to confer with the Minister in another place to see whether I can get the answer.

*Progress*

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr. Lewis (Minister for Education).

## STOCK DISEASES (REGULATIONS) ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 29th April.

MR. H. D. EVANS (Warren) [9.26 p.m.]: It is now almost 22 hours since this piece of legislation was brought before the House. I feel it is a shame that such a fine piece of legislation should be treated in this way; because the Stock Diseases (Regulations) Act Amendment Bill, 1969, is desirable legislation.

The Minister pointed out in his second reading speech that a considerable amount of time could elapse between a suspected outbreak of an enzootic disease and its confirmation. During that time the provisions of the exotic diseases legislation would not apply—not until such time as the measure was proclaimed. It would not be proclaimed until the emergency had arisen.

The Minister dwelt at some length on the reasons for the interim delay occurring and said that in many cases a diagnosis could not even be made with certainty in Western Australia, or in the Commonwealth for that matter. As a consequence, a sample would have to be sent to the United Kingdom before the result could be determined with certainty.

Consequently the vesicular diseases plan makes it clear that there must be some other means whereby the provisions of section 12 of the exotic diseases legislation could become operative prior to an emergency being declared.

I do not think anyone could take exception to a Bill which seeks to introduce legislation such as this. The measure has the concurrence of the Farmers' Union, which is represented on the exotic diseases committee. From my own inquiries, it appears that a considerable degree of cooperation and harmony exists between the officers of the department and the members of the committee who represent the industry which is involved.

There is one point, however, that I wish to mention which affects compensation payment. Nothing has been said to indicate clearly, one way or the other, whether or not compensation becomes payable in the interim period before the provisions of section 12 of the exotic diseases legislation becomes effective.

If that is not intended, but I feel it is intended, perhaps the Minister will be good enough to clarify the point. I know the matter has been discussed and that there is an awareness of this situation, but I am not quite sure what stage the discussion has reached. For this reason I would appreciate some comment from the Minister.

As in the case of the other legislation dealing with animal diseases, we on this side of the House give this measure our support.

MR. NALDER (Katanning—Minister for Agriculture) [9.31 p.m.]: I am sorry the Bill was delayed, but I think it is obvious to everyone that there are occasions when it is not possible to have such legislation introduced earlier. I did explain to the House last night that similar legislation was passed last year, when full discussion took place on all aspects of this situation.

It was understood at that time by the officers of the department, as they checked the legislation when it was received from the Crown Law Department, that the necessary action would automatically be taken if such a situation as that mentioned developed. After a study of the legislation by an officer of the Crown Law Department it was found that a weakness did exist, and though it was not possible to give much notice of the introduction of this Bill, it was decided that the measure was urgent and that the necessary provisions should be introduced. That is why not very much notice was given. I was quite confident there would be no opposition to the measure, because of the manner in which members expressed themselves during the first period of the session. What they said indicated they were wholeheartedly in favour of such legislation, knowing what had happened in the United Kingdom only a few months before when millions of pounds worth of stock were slaughtered in an effort to control and eradicate the outbreak there of foot-and-mouth disease.

The member for Warren asked at what stage compensation would be paid for stock. I made the point, and this was also discussed by the Agricultural Council, that if stock were slaughtered and they were later found to be free from disease compensation would still be paid. This means that in the event of an outbreak of such a disease, and in the event of stock being slaughtered, compensation will still be paid if they are later found to be free from disease.

Accordingly I am quite positive that the people in the industry need have no fear that compensation will not be paid for animals which are slaughtered and which

are later found to be free from exotic diseases. I think that answers the point raised by the member for Warren.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## CO-OPERATIVE AND PROVIDENT SOCIETIES ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 29th April.

**MR. BRADY** (Swan) [9.36 p.m.]: The amendments to the Co-operative and Provident Societies Act mentioned by the Minister when introducing this Bill last evening merely seek to tighten up the financial affairs of the co-operative and provident societies, particularly in relation to auditing. Certain adjustments are also made in relation to what I might call the erosion of money values. By this I mean that certain amounts were allowed in the Act as a consequence of amendments made in 1947 and it is now proposed to amend the limits provided in 1947 to bring them more into line with present-day values.

The Co-operative and Provident Societies Act was first placed on the Statute book in 1903, and as the Minister said last night, the Act was amended in 1947 to permit the maximum holding of a member of a society to be increased from £200 to £750.

I am sure members will appreciate that with the erosion of money values we will require today a much larger amount than the £750 mentioned; or, much more than $1,500. The Bill provides that the maximum holding in a society shall be $5,000, and I agree with this proposal.

A further amendment deals with the question of fees. In the Act of 1903, which was amended in 1947, reference is made to certain fees to be paid from time to time according to the particular action being taken by the co-operative or provident society or by a member of such society. It is now proposed to permit the alteration of these fixed fees by regulation. For example, the figure of £2 will be taken out of the Act and the fee previously prescribed—namely, £2, or in today's money $4—will be the prescribed fee in accordance with the regulations.

There are several amendments in the Bill which are framed along similar lines. One of them refers to the words "such as may be approved by the Minister" in substitution of the words "one shilling." Another amendment seeks to provide that profits shall be appropriated according to the rules. The Bill also seeks to amend the Act by providing that voting power shall be equal; that is, one man, one vote. By that I mean that, regardless of whether one man holds $10 worth of shares and another $5,000 worth of shares in a society, each will still have an equal vote.

I think that is the desire of most co-operative societies and has been their policy for the past 30 or 40 years. I can recall that, in 1923, when I was secretary of the Geraldton and Districts Industrial Co-operative Society, which office I held for many years, the society always adhered to the principle that each shareholder had an equal vote, irrespective of whether he had £5 or £200 worth of shares. It therefore seems that this principle will be incorporated in the provisions of the Act.

One feature of the Bill which rather embarrassed me is the desire to ensure that only auditors, as appointed by Order-in-Council, will be able to conduct audits of the books of a co-operative or friendly society. At first glance the amendment gave me the impression that this could confine the work of auditing the books of friendly societies and co-operatives to a very small group of people. However, since we adjourned yesterday evening, the Minister told me that the amendment sought to overcome an anomaly in the Act. Apparently section 11 provides that audits of co-operative companies or friendly societies can be conducted only by public auditors, but section 61 does not enforce this. Section 61 provides that public auditors can be appointed by the Government from time to time, but it also contains the words, "but the employment of such auditors and valuers shall not be compulsory on any society."

I take it that the intention of the amendment is that once the Bill is passed and becomes an Act, the Governor-in-Council will nominate the public auditors who are available, and they will be the ones who will be regarded by all societies and registered co-operatives as being the auditors who will conduct an audit of their books. The only matter that concerns me in regard to this proposal is that the words, "but the employment of such auditors and valuers shall not be compulsory on any society," appear to remain in the Act. It seems to me that unless those words are deleted, to some extent the amendment in the Bill is negatived. I point that out to the Minister so that he may take steps to have them deleted in another place if this is considered desirable.

Mr. Craig: Section 61 is being repealed.

Mr. BRADY: I see. If that section is to be repealed, it is obligatory on the society to ensure that audit of its books shall be conducted by a public auditor.

Mr. Craig: That is correct.

Mr. BRADY: Once again I would point out that for many years there have been very few co-operative societies and I could not understand the Minister rushing the Bill through in the late hours of the session when everyone is anxious for the session to finish. However, I recalled that most friendly societies operate under this legislation, and I called for a copy of the annual report of the Registrar of Friendly Societies, and it certainly makes it clear that the report is published under the provisions of the Co-operative and Friendly Societies Act and the Friendly Societies Act. Therefore it seems that nine or 10 friendly societies will now be able to ensure that their audits are carried out by a public auditor appointed under the Act and in accordance with an Order-in-Council. It will also seem that there is a further development in that, whereas in 1962 there were only six credit unions registered as co-operative societies, 18 are now registered.

This is a recent trend in many places throughout the Commonwealth. The position is that several people can agree to form a joint co-operative and lend money to that co-operative at a certain rate of interest. In turn the money is again advanced as loans to other people at a slightly higher rate of interest and consequently those people who form the joint co-operative obtain a fairly good return on their money.

At the same time they could be helping close friends, relatives, fellow unionists, or fellow members of the joint co-operative. Such co-operatives could be formed within, say, the Civil Service, or among brewery employees, or the employees of some other organisation, who band themselves together to form a credit union. I agree to all the amendments, but the principal thoughts I have on them is that today, when one reads in the Press on occasions reports of someone absconding with the hard-earned savings of people, it is absolutely necessary that these various co-operative societies and organisations should have public auditors to audit their books to ensure that all moneys received and expended by them are carefully checked so that the interests of everyone concerned are protected.

I will go further and say that even though public auditors are appointed, such appointments do not always ensure that one's funds are protected. Anyone who thinks otherwise could be sadly disillusioned, because if a servant of a co-operative, provident society, or credit union, filches the money belonging to any one of these concerns this can sometimes be done without the act being detected by the auditor. However, in the main most auditors go over the accounts very thoroughly and do not attach lightly their certificate which states they have audited the books and found them to be correct.

In looking at the back of the 1967 report issued by the Registrar of Friendly Societies, I find that instead of the audits being given to a coterie of people, which I thought possible under this amendment, it would seem that there could be anything up to 87 or 90 auditors subsequently registered to be eligible to conduct audits of co-operative and friendly societies.

I have no desire to suggest any amendment in this regard. Most of the well-known firms in St. George's Terrace and the metropolitan area generally, including Fremantle, have their addresses registered with the Co-operative and Provident Societies' register, and these people can be looked to, to do the audit. So, by and large, I feel the amendments are desirable in the interests of the people who are in the various friendly societies, co-operative movements, and credit unions.

The idea of the voting is democratic, and is in keeping with the way most co-operatives have carried on for many years. I support the second reading.

MR. FLETCHER (Fremantle) [9.52 p.m.]: I support this Bill. Firstly, I want to thank the Minister for the courtesy he extended me in apologising for introducing this Bill so late in this part of the session —legislation which has an impact on the fishermen's co-operative in my particular area.

Naturally, I circulated a copy of the Bill to the Fremantle Fishermen's Co-operative and was in touch with the secretary, the manager (Mr. Papazoni), and other members of the co-operative, to obtain their comments.

I also circulated the Bill in another quarter because of the possibility that it may have something to do with the Civil Service Association Co-operative Credit Union, mentioned by the honourable member who has just resumed his seat. I find to my satisfaction that the measure does not impinge to the detriment of the Fremantle Fishermen's Co-operative or the Civil Service Association Co-operative Credit Union.

On arrival back at Parliament House I received a message from the Fremantle Fishermen's Co-operative which had been received by telephone during my absence. This message informed me that the co-operative approved of the Bill. I cannot find anything with which to disagree but, as mentioned by the member for Swan, the original £750 will now be increased by $3,500 to $5,000. This is necessary so that the Fremantle Fishermen's Co-operative can indulge in requisite expansion; the present figure of £750 is quite unrealistic.

The co-operative wishes to diversify its interests in respect of prawning and possibly scale fishing. As a result of the co-operative's success in the crayfishing

industry, I wish it equal success in any other avenue of fishing in which it indulges.

The House will, of course, be conscious of the splendid contribution the crayfishing industry makes to the economy, not only of Western Australia, but of Australia as a whole. The export of craytails to America—I admit this is not mentioned in the Bill—does earn us valuable dollars. The Fremantle Fishermen's Co-operative was disappointed that this legislation was not introduced in the first part of the session, but it is gratified that it has been brought down in this part, even if it is late. I support the Bill.

**MR. CRAIG** (Toodyay—Chief Secretary) [9.55 p.m.]: There is no need for me to speak at length in reply, but I wish to express appreciation to the member for Swan and the member for Fremantle for their support of this Bill. I apologised for the lateness of its introduction; but I took this late action because of the importance of the measure to some of the co-operatives concerned.

The member for Swan referred to the annual report. The information I have —and this is for last year—is that although most of the societies are credit unions, there are only about seven other types of companies registered under the societies' Act. It is interesting to note that these are the Armadale-Kelmscott Society, the Coal Industry Society, the Poultry Growers Society, the Fremantle Fishermen's Co-operative—referred to by the member for Fremantle—and societies at Osborne Park, Mt. Many Peaks, and Beacon.

As the member for Swan said, it is an ancient Act; and I am pleased to learn that members support the Bill. These amendments, which are so necessary, will provide some additional opportunity to these companies to expand their capital outlay in their fields of development.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by Mr. Craig (Chief Secretary), and transmitted to the Council.

## NOXIOUS WEEDS ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 29th April.

**MR. NORTON** (Gascoyne) [9.59 p.m.]: In its own way, this is quite an important Bill and it seems extraordinary that it should have taken such a long time for the second reading to be moved—it took place last night. The measure received its first reading on the 28th March; and it is surprising to me that a small Bill such as this has taken so long to be placed before us, with the result it is being dealt with late in the period.

At the outset, might I say that I agree with the principles set out in the Bill. The eradication of noxious weeds has to be attended to quickly. Steps should be taken soon after the germination of the seed to ensure that various weeds do not have time to reproduce. Many of them are rapid growers, and a number of them seed almost as soon as they are out of the ground, so that any eradication measures must be taken as soon as possible.

An amendment in the Bill seeks to repeal subsection (2a) of section 22. I wonder why it was included in the Act in its present form. This subsection states—

> Where the board intends to so direct by notice in writing pursuant to subsection (1) of this section, the Board shall at least seven days before the notice is served on the owner or occupier of the private land concerned or on both of them, give notice in writing of such intention to the local authority in whose district the private land is situated.

It seems farcical that the Agriculture Protection Board should have to give the local authority seven days' notice of its intention to serve a notice on the owner of the land. This procedure wastes valuable time. In eradicating noxious weeds steps should be taken as quickly as possible. With the repeal of this subsection the board will save seven days in time, so that in the future it will be able to serve notice direct on the owner.

In two or three places the Bill seeks to alter the penalties which are prescribed in the Act. Virtually these amendments seek to double the existing penalties from $40 for a first offence and $100 for a second offence to $100 and $200 respectively. That is the maximum which a magistrate can impose, but he has a discretion to fix an amount up to the maximum.

A further amendment in the Bill endeavours to depart from what is known as the escape clause. In the Act there are two sections which contain such a provision, and in both instances they are exactly the same. One is section 21, under which the owner or occupier of a property who fails to carry out certain work for the destruction of noxious weeds may be fined; but he can avail himself of the escape clause by pointing out that he did attempt to destroy the weeds.

A similar escape clause is found in section 22 which states—

> It shall be a defence to a charge made under this section to prove that

all reasonable endeavours have been made by the person charged to comply with its requirements.

The requirement is that the occupier did attempt to eradicate the noxious weeds. It is not prescribed in the section I have just read that eradication shall be carried out in any specific manner. It is intended in the amendment in the Bill to replace that subsection so that when notice to eradicate is given, the notice will direct the methods by which the department wishes the weeds to be destroyed. I take it the department will recommend the chemicals and the quantities which are to be used.

As we have not had this Bill before us for more than 24 hours, it is somewhat difficult to understand fully the ramifications of the amendments. I feel some action should be taken to ensure that noxious weeds are destroyed as quickly as possible. Various types of noxious weeds are becoming prevalent in various parts of the State, and we find that saffron thistle is spreading around Northampton where it is getting a strong grip. I notice it has crept up along the road verges of North West Coastal Highway to the pastoral areas.

Cape tulip is found not so much in the north, but in the south and the great southern. This weed is a curse. Paterson's curse is found in the north and throughout the State, and it is spreading very rapidly. I am not sure whether the doublegee has been declared a noxious weed, but it should have been a long time ago. This weed propagates very quickly. It starts to flower and seed virtually before the second leaves appear on the plant. Thereafter every runner multiplies profusely, and it is very hard to combat. Yet in the early stages it can be eradicated by cultivation.

Noxious weeds have been spreading very rapidly into the north-west. This is mainly due to the use of what I term as dirty fodder, or fodder which has been harvested from land carrying noxious weeds. This fodder is sold either as hay or as chaff, and is carted all over the State.

Mr. Nalder: What is the chaff used for?

Mr. NORTON: For the feeding of horses. It is also used extensively for the feeding of rams at certain times of the year. This dirty fodder is also used as baled hay for the feeding of cattle, sheep, and even horses.

Mr. Nalder: That would be mainly in the Murchison?

Mr. NORTON: No. I am referring particularly to the Gascoyne area. In drought years this fodder goes as far as Onslow by road and to other centres in the north, where it is used for the feeding of horses and rams. In dry years there is extensive feeding of all stock. The seeds are distributed through the droppings of the animals and the noxious weeds are spread. The weeds have scattered along the rivers, such as the complex rivers in the Gascoyne, and the seeds from these weeds have been carried down in flood years. Carnarvon has been infected with the Mexican poppy, which came down the river when in flood. We do not know from where it originated.

The first place I saw it was on Yinietharra Station, and from there it spread quite quickly to Carnarvon. Anything that can be done to eradicate noxious weeds in Western Australia will benefit us because they are simply a destructive element in the general agricultural set-up.

MR. GAYFER (Avon) [10.11 p.m.]: I would like to make one or two observations on the measure before us. As the previous speaker has already said, it is a Bill to amend the Noxious Weeds Act and contains three amendments.

The first is to repeal section 22 subsection (2a) of the principal Act. This section deals with that law which makes it necessary for an officer of the Agriculture Protection Board to notify a shire council or local authority seven days before a notice is served upon the occupier of certain land to comply with a certain order. I have no quarrel with this particular amendment because it is fairly obvious that in a seven-day period, the weeds could get out of hand and possibly reach the stage where spraying would serve no useful purpose.

The York Shire Council suggested on the 31st October, 1968, to the regional control officer at Northam that the Act could be improved generally by the Agriculture Protection Board employing a supervisor whose sole purpose would be to direct the spraying unit and police the spraying activities of landholders during the spraying season. In other words, the shire council itself desired the Agriculture Protection Board to take a more active and direct line in its approach to landholders. Consequently I cannot see why this provision could not be complied with.

However, I am a little bit concerned with that portion of the amendment which proposes to delete the escape provision, as it is generally known, in section 22. Subsection (4) states that it shall be a defence to a charge made under this section to prove that all reasonable endeavours had been made by the person charged to comply with its requirements.

It is proposed to delete that provision and insert the following:—

> (4) It is a defence to a charge made under subsection (3) of this section to prove that the requirements of the direction as to the manner in which the primary noxious weeds to which the direction relates are to be destroyed, have been complied with either by the owner or the occupier served with notice of the direction.

I represent a great portion of the Avon Valley which is recognised as being among some of the heavily infested portions of the State, as far as Cape tulip is concerned and, to a degree, Paterson's curse. The valley takes in the Shire of Northam further north, and down to Beverley and further south even than Beverley, and these areas have been complaining at the lack of effect that the application of 2,4-D ester has on Cape tulip.

Mr. Sewell: It kills everything else.

Mr. Norton: Don't bring it up our way.

Mr. GAYFER: It is recognised by the Department of Agriculture, and in this respect I refer to the *Journal of Agriculture* the March, 1963 issue. These ideas are still current. That journal says that the highest degree of control has been obtained by the application of 2 lb. of acid-resistant equivalent of 2,4-D ester per acre.

The people who live in the Avon Valley where this heavy infestation occurs have argued for years that 2,4-D ester is not an effective control measure, and yet the Agriculture Protection Board still insists that the land shall be sprayed to a certain specification. Even though this provision is complied with, the country is not rid of Cape tulip, and very often the A.P.B. would state that the spraying had not been done properly. In those circumstances the landholder will have no redress in proving his point if the escape provision is deleted. The provision to be inserted states that it is up to the owner to prove that the requirements were carried out.

How can a person prove he sprayed if the spray is non-effective? All he can do is produce some empty tins. What proof is that that the paddock was sprayed correctly? The present provision states that the person concerned must prove that all reasonable endeavours have been made. However, with this provision gone, how can the person prove that spraying has taken place if it is not a total kill as is expected, because the department says it should be a total kill if this preparation is used? If we take out "reasonable endeavours" and insert something more stringent, the onus will be completely on the landholder to prove that he did, in fact, comply with the order.

To substantiate my claim concerning the ineffectiveness of 2,4-D ester I intend to quote from a file I have kept on this subject over quite a few years in connection with the York Shire Council and the councils abutting it.

It started off in 1966 when the Avon Valley Zone Council of the Farmers' Union, backed up by the Avon-Midland Ward of the Country Shire Councils' Association of Western Australia, called a general meeting in York of all people who doubted the effectiveness of 2,4-D ester. Item 2 of the business of that day was the proposition that the meeting was not satisfied with the capability of 2, 4-D ester to eradicate Cape tulip and that the responsible authorities be urged to select more effective measures before any penal provisions were enforced.

The meeting was attended by representatives of the A.P.B. From memory I think some 200 farmers attended, and the lack of suitability of 2,4-D when used in the prescribed manner, and its lack of effectiveness, was proved by the many speakers there. However, it was again proved only by their words. They brought along invoices to say how much 2,4-D had been purchased and applied, and all other proofs that could be provided without being able to show a film of how they had applied it. How else can application be proved? A farmer can only say he applied a certain quantity and then try to prove this to the A.P.B. officer.

The outcome of this meeting, which was not very satisfactory, was that it was decided a deputation should wait on the Minister for Agriculture. Consequently, on the 28th April, 1966, the President of the Avon-Midland Shire Councils' Association —who was also the President of the Beverley Shire Council—a representative of the Northam Shire Council, two representatives of the York Shire Council, and the Secretary of the Avon-Midland Ward, waited upon the Minister to bring to his notice the ineffectiveness of the spray known as 2,4-D ester.

During the deputation the following points were made: the President of the Beverley Shire Council said that annually large sums of money were spent on the control of Cape tulip, mainly by the use of 2.4-D ester which to that date had not proved at all effective.

He went on to say that large quantities of 2,4-D had been used in the shire without any noticeable reduction in the spread of the weed and that at that stage it appeared it was only containing the weed and not eradicating it.

Mr. Davies, the President of the York Shire Council, said that councillors and ratepayers alike were concerned because they had proved that the hormone spray 2,4-D would not eradicate. At best it would only contain the weed.

He said that while the cost is considerable, it would not be considered if the spray was 100 per cent. effective. Mr. French, from the Northam Shire, said he could only support the previous speakers who had covered the subject very well, and he quoted an instance of work done on his own property from which he was convinced at that stage, anyway, that 2,4-D was not the answer.

In fairness to the Minister, I think what he said must be quoted. He said—

> All I can say is that this action has created interest. I am responsible to get something done in the control of

this weed which is causing growing concern.

He then went on to say—

If only we can contain the weed we will be doing something.

Then he said that he was sympathetic towards the argument that had been advanced and that he would recommend to the Agriculture Protection Board that the proposal put forward by the deputation be given every consideration.

From then on no great difference in the effectiveness of 2,4-D has been noticed, and consequently the councils are still most concerned about this spray which is one of two recommended for use. A letter dated the 19th January, 1968, from the York Shire Council, reads as follows:—

This council can produce visual evidence of land that has been sterilised by the use of this spray—it can also produce proof that it does not eradicate Cape Tulip.

Further, in a letter dated the 18th April, 1968, the council stated—

The existing formula for spraying the weed in this Shire has now run the two-year trial period agreed upon and Council can produce proof that farmers generally have fulfilled their obligations under this scheme. It is a unanimous finding that pasture losses have been heavy (reports range from 40 per cent. to 70 per cent.) and that the spray does not eradicate Cape Tulip. It does appear to control the spread of the weed but it does not eradicate it.

I can quote letters from shires dealing with this very point *ad infinitum*. Therefore, if one agrees to the deletion of this escape clause, as it now appears in the Bill, I consider that the obligation on the occupier of the land will be too great for him to prove that he had in fact complied with the wishes of the Agriculture Protection Board in its objection notice. I repeat that if the board does not prove its point under the formula laid down in the objection notice, how can it be proved that the farmer did in fact comply with it? Where is the evidence to be obtained to show that the weedicides were used on that particular paddock? This will be very difficult to prove when it is considered that this weedicide is far from effective in a heavily-infested area.

I concede the points that have been raised by the previous speaker and the Minister in explaining the provisions of the Bill; namely, that a measure such as this could be considered necessary in an area where there is a sudden outbreak of saffron thistle, or any of the other types of noxious weeds or primary weeds that suddenly appear.

Mr. Nalder: What about skeleton weed?

Mr. GAYFER: Yes, or the type of burr that was recently found in the area represented by the member for Geraldton. I believe the Avon Valley has something which is peculiar to that district, because it is a highly-infested area. The point is that it is impossible to convince these farmers, even by trial plots. In referring to trial plots, the Agriculture Protection Board is visiting the area in July next to study the effectiveness of the application of 2,4-D on trial plots which so far the council claims have not shown that that weedicide is effective for the eradication of Cape tulip. This visit is being made at the request of the Minister.

Mr. Nalder: I hope to be present as well.

Mr. GAYFER: I am pleased to hear that. So it can be seen that there is consternation among farmers in that district as a result of the application of 2,4-D which has been so highly recommended by the Agriculture Protection Board.

It is very difficult for me therefore to agree to the deletion of this provision and to the insertion of another which I am convinced will place the onus of proof on the landholder so strongly that, virtually, he will be placed in the position of being deemed to be guilty immediately.

Dealing with penalties, as the previous speaker said, it is proposed that the penalty of $40 be increased to $100 for a first offence, and that the sum of $200 be inserted in lieu of $100 for each subsequent offence. In my opinion this is just as hard on the people I represent as the escape clause. If the escape provision in the Act at present is deleted and the other provision is inserted in its place, I consider the penalty would be far too severe, because in my opinion it will not be possible for those farmers in heavily-infested areas to comply with the wishes of the Agriculture Protection Board.

Before I conclude I want to make this point: These local authorities will tell people who visit their districts, and who speak to them about noxious weeds, that they are most anxious to get rid of the Cape tulip, but that there are two factors which prevent them from doing so. The first is the economic repercussion on the industry when large acreages of land are sprayed, because nothing then grows on them. Yet the following year the Cape tulip returns, and the raising of stock on that land is lost for two or three years. The second is the ineffectiveness of the spray, as eventually there is not much difference in the land.

The introduction of 2,4-D ester has been raised by the Minister very often. Trials are still going on at present to determine whether it is as good as the Agriculture Protection Board claims it to be, or as bad as the farmers and the shire councils say it is. It was expected to bring about a

great change in the heavily-infested areas, such as the Avon Valley.

I support the first part of the Bill which deals with the notice to be served on the landholder, to the exclusion of the shire council concerned. Whilst I am on that subject, I sincerely hope that the shire will be given a copy of the order which is to be served, at the same time as the notice is served on the landholder. This is done by the vermin officers of the Agriculture Protection Board at the present time.

I agree with the increase in the penalties, but for the reasons I have stated I think they are a little tough. However, I am not happy at all with the proposed deletion of the escape clause in the existing Act.

**MR. SEWELL** (Geraldton) [10.32 p.m.]: Following what the Minister, the member for Gascoyne, and the member for Avon have told us, I wish to point out that I agree with the three amendments proposed in the Bill: firstly, the notification of the local authorities; secondly, the deletion of the escape clause in section 22; and, thirdly, the increase in the penalties.

I sympathise with the member for Avon and his constituents on the trouble they have experienced with Cape tulip. There must be some reason for the effect of 2,4-D ester not being as good as it is supposed to be.

Mr. Jamieson: It kills tomatoes pretty quickly.

Mr. SEWELL: I can assure the member for Avon that it kills not only tomatoes, but also peas, pumpkins, vines, and berry bushes; so what type of weed is bred in the Avon district I do not know. The effect of noxious weeds is very serious not only to the Avon Valley, but to many other parts of the State also.

I wish to express commendation to the officers of the department who are stationed around Geraldton and in the Victoria district on the good work they have done. No doubt some people have criticised these officers, but by and large I can say that they are respected and they have gained the confidence of the people of the district. At various times I had the pleasure of attending meetings of the northern shire councils and of hearing the discussions on vermin and noxious weeds. I know from the discussions that they are very concerned with the spread of noxious weeds.

The member for Gascoyne spoke about infested hay being carted to the Carnarvon district, to the Gascoyne, and even to the Ashburton. It seems that the hay produced on some farms is the means of spreading these weeds. In years gone by the stock were fed with hay or chaff which did not cause any noxious weed infestation. To prove the point that the officers of the department deserve commendation I refer to an occasion the year before last when there was an outbreak of Noogoora burr outside Geraldton. I do know that where the department found the burr or skeleton weed it was pounced on. Last year the burr was found again two or three miles from the centre of the first outbreak, and on this occasion it also was given drastic treatment.

From the reports which have been presented we can see the damage which skeleton weed and Noogoora burr can do to the wheat crop and to the fodder used for the feeding of stock. In one case a shipment of urea from Japan arrived in this State, and when it was being unloaded in Geraldton a waterside worker by the name of Colin Reynolds noticed Noogoora burr on some of the bags. Straightaway he notified the foreman who in turn advised the departmental officers. I can assure members that they took very quick and drastic action to control that burr.

The sources of infestation are many. There are ships calling at Western Australian ports from all parts of the world, and they sometimes carry noxious weeds, diseases, pests, and even sparrows. Once these weeds are brought into the State they seem to flower and seed quickly, and the following year there is no stopping their spread. They seem to love the country. I do not know whether it is our climate, with a low rainfall and little frost, which suits them.

I do not know why Cape tulip has not taken as great a hold in the rest of the State as it has in the Avon Valley, because I can assure the member for Avon that in Geraldton we have a better climate and better soil for the growth of these weeds, but he is welcome to them.

The Minister should take some notice of baled hay being carted from one end of the State to the other. Much of this goes to the station properties where it is used in yards in which sheep to be transported to other parts of the State are held. This has caused quite a lot of trouble.

I want to tell the Minister that I commend the officers of his department for the prompt action which they have always taken in the Geraldton district to eradicate noxious weeds, particularly on the occasion when Noogoora burr was discovered by Colin Reynolds. This weed could have spread through to Midland, to Wongan, and to Mullewa, because urea is carted to all those centres. I understand that the burr was attached to some of the bags and some of the burr got onto the farms, but the prompt action of the department arrested the spread.

I support the Bill. I realise the departmental officers are aware of the dangers of noxious weeds infestation, and we can look to those officers to ensure that these weeds are kept under control.

**MR. NALDER** (Katanning—Minister for Agriculture) [10.40 p.m.]: I thank members for their contributions. I am sure it is quite obvious not only to members of this House, but to people in Western Australia generally, that it is very necessary for us to be on the alert when dealing with the problem of Cape tulip and other noxious weeds. I would like to refer to the problems associated with noxious weeds which already exist in this State and mention the activity of the department, through the Agriculture Protection Board, and its endeavours to keep a close eye on the problem with a view to taking effective measures to keep it under control.

I am sure members who have spoken appreciate the seriousness of the problem and the fact that we must do everything at least to try to contain it with a view eventually to eradicating it. I feel sure the members of the Agriculture Protection Board will be pleased to hear of the general discussion that has taken place, and I will be happy to convey to the director, who is the chairman of the Agriculture Protection Board, the satisfaction that has been expressed by those members who have had occasion to contact his officers from time to time.

I might mention that these officers are only carrying out the instructions of the Agriculture Protection Board. Members who have had several years' experience in this House will recall that 10 years ago we widened the representation of the Agriculture Protection Board not only to include members from the organisations, but also to include local authority representatives.

I think this had the desired effect inas much as it created an awareness of this problem among responsible people. We were also successful in securing their support in an endeavour to control and eradicate the noxious weeds we have in this State. The point made by the member for Avon indicates that if the action we are taking helps to contain the problem then we should do all we can in this direction. If we can contain the spread of the weeds we already have I think we will progress to a point where at some stage the research being carried out will provide some weedicide which will help make a greater impact on the problems associated with noxious weeds.

I think members will agree it is far better to be active in this direction than to sit back and adopt a defeatist attitude, and say, "What we are using is not satisfactory; we will sit back and wait for somebody else to come up with something which will eradicate this weed." If we adopt this attitude we will make no progress at all. The officers of the Agriculture Protection Board only carry out the instructions of the board. The board consists of representatives from local authorities, from the Farmers' Union, and from the Pastoralists and Graziers Association; they are men who have been picked to represent their respective areas. I feel sure they are not the type who would adopt an unfair attitude or seek to annihilate everything in the district.

Mr. Sewell: They are very able men.

Mr. NALDER: They are responsible men. Anybody who seeks to wipe out an area completely so that it will not produce what it was previously producing is of course irresponsible, but I am sure this cannot be said of the officers in question.

As the member for Avon has said, I have listened to many representations from the area in question, and I have requested the Agriculture Protection Board to reconsider the matter of Cape tulip in the area. In a few months' time the members of the Agriculture Protection Board propose to visit the area referred to, to have a look at the situation and to try to encourage farmers to continue the work they are doing in an endeavour to contain the Cape tulip.

I recall travelling through the York area 10 or 12 years ago. As a citizen of this country I was most concerned to see that nothing was being done to prevent Cape tulip from getting the upper hand. The work that is being carried out at the moment indicates that this scourge is being contained to some extent. I would like to take the member for Avon and the member for Narrogin to areas where such work has been carried out, because they will then see that a determined effort can achieve results. The department has worked on certain plots and after these have been sprayed they clearly show that a satisfactory measure of control has been achieved. I admit it is not 100 per cent. successful, but results have been achieved.

If efforts are made progressively we will certainly achieve some measure of control and generations to come will appreciate what has been done to control a problem which in other countries of the world, and in other States of the Commonwealth, has caused a great deal of concern. A great deal of money has been spent in an endeavour to retrieve land which has been ravaged by the uncontrolled spread of noxious weeds.

I do hope we never reach the stage of adopting a defeatist attitude in this matter. I hope we will put our shoulders to the wheel and make every effort to control this scourge which has caused such havoc in practically every country where agriculture is carried on.

The provisions of this Act were accepted by the House some years ago, in an endeavour to get the general public on-side. It has been proved that there are weaknesses in the Act, and we find that a small section of the community is not playing the game; this small section is not doing its bit.

As I said when introducing the Bill, the Northern Shires Association is very concerned about this matter and its members asked the Agriculture Protection Board to make provision to control farmers who are not prepared to do their bit; those who wish to evade their responsibility.

Mr. Sewell: You will always get that.

Mr. NALDER: We are making every effort in this direction. I am sure the fines imposed are no deterrent at all; indeed, I think they ought to be increased if they are to prove a deterrent. If we give this legislation a trial I am convinced that no harsh action will be taken, but everything will be done to encourage neighbouring farmers who have spent money in an effort to contain the weeds referred to.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 29th April.

**MR. JONES** (Collie) [10.52 p.m.]: This Bill amends subsection (2) of section 7 and section 10A of the Coal Mine Workers (Pensions) Act. Members are aware that the parent Act provides that mineworkers employed on the Collie coalfield may retire at the age of 60 and, upon retirement, receive a pension. The Collie mining unions associated with the mining industry made application to the Minister in another place to have the Act amended in accordance with this measure.

The first amendment to subsection (2) of section 7 provides that a worker invalided out of the mines with an 85 per cent. incapacity can now earn the permissible amount allowed under the Social Services Act, which is $17 per week. No doubt members are aware that under the Social Services Act, age pensioners and others are permitted to earn $17 per week without their pension benefits being affected. The amendment in this Bill will mean that a person who has not reached the age of 60 and who is invalided out of the mining industry can also earn $17 per week.

It was noted earlier that a person employed in the mining industry was invalided out under the provisions that applied until now, and he accepted another job. However, it was found later that he had to refund all of the pension he had received during that period.

When introducing the Bill in another place, the Minister said that light work is available for people in this category. Quite a number of light jobs which people on invalid pensions could perform are available in Collie at caravan parks; and this measure will give them the same right as other people in receipt of a pension. So the amendment to subsection (2) of section 7 of the parent Act means that our Act will be brought into line with the general provisions of the Social Services Act.

The other amendment to section 10A simply raises the amount of £7 to $17, which is also in line with the Social Services Act. With those brief remarks I have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Bovell (Minister for Lands) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Amendment to section 10A—

Mr. BOVELL: In case the member for Collie may think I have been discourteous I wish to advise him that I did not mean to be. My purpose in not speaking earlier was to save time. However, I desire to thank him for his co-operation in this matter and record my appreciation.

Clause put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and passed.

## LOCAL GOVERNMENT ACT AMENDMENT BILL, 1969

*Second Reading*

Debate resumed from the 29th April.

**MR. BRADY** (Swan) [10.58 p.m.]: This Bill was introduced in another place and subsequently came to the Assembly. As far as I can see, it has not been amended. It proposes to amend section 374 of the principal Act by adding at the end of subsection (2), the following paragraph:—

> (b) For the purposes of exercising his powers under paragraph (a) of this subsection, the Minister may, where in his opinion the circumstances of a particular case warrant his so doing, order that any provision of a by-law made by a Council under this Part or of a uniform general by-law in force under this Part does not apply in that particular case or shall apply as modified by the order in that particular case and thereupon that order has

effect according to its tenor, notwithstanding any provisions to the contrary in, or in force under, this Act.

As I understand the position, for many years, the Minister for Local Government has been hearing appeals from various people, companies, organisations, and so on, in regard to disputes that arise between local governnment bodies in the various parts of the State and people who are endeavouring to erect buildings, carry out subdivisions, or whatever the case may be.

It seems that in a case at Albany some time ago the Minister's right to make a decision in regard to the by-laws was challenged in the court, which held that he did not have the right to alter the law by making a decision contrary to a by-law which had been made by a local governing body. In effect, the by-law had as much substance as a section of the Act, according to the court, yet that cut across what I think most people had believed for years in the time of the Labor Government and in the time of the present Liberal-Country Party Government.

I understand that the Law Society does not believe the Minister should be allowed to make decisions contrary to the by-laws. It does not dispute the principle that there should be an appeal, but it does not feel the Minister should be the one to hear the appeal and make a decision on the matter.

In order to relieve the mind of the Minister handling the Bill in this House, I want to say at the outset that I personally support the amendment and hope it will be passed. Although I say that I support it, I do not want anyone to think that every time I have made an appeal to the Minister—and I have made numerous appeals on behalf of various electors—he has upheld my request and agreed to my appeal. As a matter of fact I think that over the last eight or nine years about 50 per cent. of my requests would have been upheld.

Mr. Toms: You have been pretty lucky.

Mr. Davies: That is a good average.

Mr. BRADY: In my opinion, 50 per cent. is not a very good average. I expected 100 per cent., and I felt I submitted arguments in favour of 100 per cent. However, the Minister decided otherwise, and it is very nice to know there is someone to make a decision and say, *"Finis"* to the continued arguments which occur between electors and their local governing bodies. Although it is unfortunate, I know that sometimes local governing bodies get the idea that they are the only ones who know anything about subdivisions and buildings —how they shall be erected, where they shall be erected, and so on.

The local authorities have a parochial outlook on many of these matters. However, the Minister, by virtue of his long time in office, has now had extensive experience in handling these matters and, as far as I can see the position, he handles every one fairly, whether they are big concerns, or small concerns. He seems to be consistent with his approach.

Sometimes I feel his approach to some of the problems put to him is most unorthodox, but he is consistent and is prepared to buck the big concerns the same as he bucks the little ones. He is prepared to buck a local governing body if necessary.

By and large, when handling appeals, the Minister is sympathetic to the local governing bodies in regard to what should be done in the best interests of the particular area, but the Minister reserves the right to determine against the local governing bodies if he feels their decisions are not fair to all concerned.

So, by and large, I have nothing to say against this particular amendment. I want to point out that the Local Government Act states that, in the event of a disagreement over a matter, there shall be an appeal, and that appeal shall be to the Minister. The point that concerns me is that if the appeal is not going to be referred to the Minister for determination, who will make the determination?

It is generally agreed that at times appeals will be made. A matter of a few inches in a building line set down by a local governing body could be in dispute. Take the classic example which caused the furore in Albany. I understand that the man concerned appealed to the Minister, who upheld the appeal. The man had erected a building which was, unfortunately, eight inches outside of alignment. Having gone into the matter, the Minister decided the building should remain. Now the local governing body in Albany, I take it on the basis of the court decision, is disputing the Minister's right to do what he did despite the fact that the Minister has had a couple of independent referees go to look at the site. That is reported I think in either this morning's *The West Australian* or yesterday's *Daily News*. Paragraph (c) of subsection (4) of section 374 reads—

> A person who has applied for and been refused the authority by the council may appeal in writing to the Minister against the refusal of the council to grant the authority and the Minister may grant the authority in the name of the council, and the Minister's decision is not subject to appeal.

I believe we have, in the past, understood that to mean that where necessary, the Minister can consider an appeal and decide that a by-law can be infringed slightly in the interests of all concerned. Apparently the court decision has indicated that this is not the correct assessment of the position in law and that a by-law made by a council is final.

The amendment which another place has sent to us to consider provides that the Minister will have the final determination in regard to such appeals which come before him as the Minister. I do not think we should try to upset the position as laid down in the Bill. As I have said, the clause stipulates that there is a right of appeal, and the Minister has the right to determine it.

If we do not have the appeal to the Minister, we must have the appeal to someone else. Some people suggest the appeal should not be to the Minister, but should be to a tribunal. I believe it is much better for a decision to be made by an individual. Time would be saved. The Minister has had considerable experience. He knows the Act from one end to the other because he was the Minister who handled the legislation when it was comprehensively amended in 1960, and again in 1967, and at intervals in between; and I cannot think of any better person to determine an appeal.

A tribunal, in my opinion, would only make for greater time wasting and would probably hold up many decisions which should be reached promptly. In my opinion, the only alternative would be to refer appeals to the law courts. Heaven forbid that we should ever reach the situation with local government by-laws that we should refer them to the law courts. The law courts would be much slower in handling these matters than would a tribunal, or the Minister. Also one thing is certain: an approach to the law courts would be a great deal more costly.

By and large I think the only thing to do is to give the Minister the right to determine appeals. The devil we know is better than the devil we do not know. I have been led to understand, by a member in another place, that the Minister during the debate in that place said that he was considering having further amendments made to the Act because of the great amount of work involved in hearing and determining appeals against by-laws, etc.

I think I read in the leading article of *The West Australian* that the Minister had dealt with 700 appeals in one year. It is fantastic to think that a Minister of the Crown—in this instance the Minister for Local Government—should be called upon to deal with appeals to the extent of 700 annually. So I would be pleased to see the Minister, in the interests of good government, find some other way whereby those appeals could be determined in the best interests of all concerned.

In the meantime, until another and better way is brought before us, I think we should go along with the idea of allowing the present position to continue. I think we have all felt this was the position in the last nine or 10 years, since the Minister was originally given the right to determine appeals in connection with local government. I support the second reading and I hope it will be carried by this House.

**MR. TOMS** (Ascot) [11.13 p.m.]: I would also like to make a small contribution to this debate. I support wholeheartedly the remarks of the member for Swan. I will preface my remarks by once again reading to the House the passage which we are seeking to amend. It is subsection (2) of section 374 of the principal Act, and reads as follows:—

> A person who is dissatisfied with the refusal of the council to approve the plan and specifications may appeal in writing from the refusal to the Minister, who may uphold, reverse, or vary the decision of the council and make such order as he thinks fit and the order of the Minister is final and not subject to appeal.

That subsection, in itself, is reasonably definite. However, we know that under the Local Government Act there is power to make by-laws; and other by-laws are made to which local authorities are requested to subscribe and adhere.

I believe it would not hurt us to reflect a little on what by-laws are, and I believe that a definition which was given to me many years ago by a former Minister for Local Government, who I believe, was an excellent Minister, in the person of the late Gilbert Fraser, was a very good one. That Minister said to me on one occasion that by-laws were made as a guide. I believe this is a principle which should be adopted by everybody. His idea was that one could stretch them as far as possible, but one must not smash them.

Unfortunately, many of the problems dealt with by local authorities are concerned with buildings and, of course, buildings are supposed to be governed by the uniform building by-laws. I have not agreed, entirely, with the uniform building by-laws from the time they were introduced. I do not believe they were made to cover all situations, and this is the position in which the Minister now finds himself. Some local authorities stick strictly to the letter of the by-law. Various by-laws are gazetted from time to time, and one which comes readily to my mind is the by-law gazetted in relation to billposting, signs, and that sort of thing.

I guarantee most local authorities have approved of that by-law and accepted it. However, all local authorities do not set out to enforce it to the last letter. As I have said, I believe the words of Gilbert Fraser—that by-laws are a guide—are words which should be borne in mind by all local authorities. Many local authorities are reasonable in their outlook. They must have by-laws as a protection in extreme cases.

I would hate to think that local shires and authorities exercised all by-laws to

the letter of the law. I have in mind subdivisions where this problem has occurred. Some local authorities have tried to stick to the letter of the law and have refused to shift an inch in regard to a particular by-law. Some councils are reasonable in their approach but others are not and I believe that we have to give this power to the Minister so that he can control councils which will not do the right thing.

I do not think it is his desire to have power. If the local authorities were reasonable and did not upset people by sticking strictly to the word of the by-laws, then there would not be any necessity for the Minister to have this power. We have had examples quoted tonight where these instances have occurred—not one, but several.

It is necessary for the Minister to have this power so that he can control, to some degree, those who would ride hard and fast over individuals who are trying to do the right thing. A person may have erected a building many years ago and now decides to extend it a little. He could find that because of an Act which was introduced after his building was erected he is not able to extend because of this or that particular law. That could alter the situation so that he would not be able to build in the way he wanted to.

As I said, it is regrettable that this matter has to be brought to Parliament. I only wish that all shire councils would be reasonable in their interpretation of by-laws and be prepared, from time to time, to stretch those by-laws. I am glad that there is a right of appeal to the Minister because there are times when it is necessary for a council to cover itself by suggesting to a person to whom it cannot grant approval because of a certain small infringement that he should appeal to the Minister. The Minister would then look at the matter reasonably.

I wholeheartedly support this move and I trust that the local authorities which are likely to be offended by any move the Minister may make will, in time, learn that these amendments are made for a reason. If the local authorities are not prepared to do the right thing by the citizens of this State, then there should be a way for the wrongs to be adjusted. I support the Bill.

**MR. JAMIESON** (Belmont) [11.20 p.m.]: I have some misgivings about supporting the measure, but I feel it is a better proposal than the present situation. I am caught between two situations at present; namely, in considering whether it is desirable to give the Minister power to vary regulations slightly or whether that power should be given to the local governing bodies.

My colleague, the member for Ascot, put forward the latter suggestion, but I do not quite go along with that view. A local authority could find itself in very complicated circumstances if it stretched a by-law in respect of one person. Somebody else might well come along and say, "Why will you not stretch it for me? You did it for Bill Blow. Why should I not get the same consideration?"

If by-laws are to be made I think they must be made on the basis of a fair and equitable calculation of the best by-law that can be determined in an anticipated set of circumstances. If those circumstances vary and the local althority starts to fool around, then the position could get really complicated. A bad situation could arise because there will be appeals to the Minister not on the basis of whether it is reasonable in the circumstances with which the ratepayer is concerned but on a comparision between that instance and something else the shire did. Chaos would reign supreme.

It has always been my idea that the Minister should have some final say on many of the matters which are dealt with throughout the Local Government Act. It is true that the Minister has final power on certain sections of the Act, but to my mind he does not have power on enough of those sections.

In the ultimate, I think it must be accepted that the person who administers a department should have the final say on certain matters so he can determine them.

On the other hand, I am not so sure that I like to see any such power given to the present Minister. However, we must take the good with the bad. If we look to the future, perhaps he will not always be Minister for Local Government. He has held that portfolio for a long time now and, indeed, it is hard to remember when he was not Minister for Local Government. In view of his actions in respect of certain other features of local government, where he has exercised remarkable constraint when he should have made a bit of effort, I think it could probably be a doubtful power to repose in him. However, that is the lesser of two evils.

If the matter is resolved in another way—that is, by the setting up of a tribunal—we would have something similar to the situation which exists in Victoria where it is almost necessary for a case to be prepared by a trained legal man on each and every occasion when an appeal is made against a provision. I do not think that would be at all satisfactory.

All sorts of problems are connected with this matter. I find, on checking with the shires, that since publicity has been given to this measure, a greater number of people has been aggrieved by one building by-law or another. I understand that they have gone to the counter with a building surveyor and have immediately said, "If that is your attitude, I will appeal to the Minister." The Minister can probably look forward to a great increase in business because of the publicity.

I do not think it is altogether desirable to encourage this kind of thing; but I do consider that it is a good decision to take the final responsibility from the hands of the shire. A lot of pressure could be applied if local authorities, themselves, were to vary their by-laws. Considerable pressure could be applied in ward politics and, to my mind, much less pressure would be exerted on a Minister and his department if an appeal were made direct to the Minister. To this end, the measure is rather good.

Some authorities—and perhaps particular reference should be made to the Shire of Perth and its attitude over the years—might think that an injustice is being done to them. On the other hand, other shires would think that they were being done a very good turn through the action of the Government, because it is a way out for them. Local authorities can still maintain their own by-laws, as they stand. If the shire does not agree with a ratepayer's suggestion, it can let the case be decided through an appeal to the Minister. The shire should not have any great objection to this. When the next person comes along, the shire would still be consistent if it refused that person. If someone did not go as far as appealing to the Minister then no harm would be done as far as the shire was concerned; because the by-laws are being interpreted as the local authority sees them.

I do not think local authorities should try to bend by-laws too far. Once they started to bend them, trouble would result. If the shire were to agree to something for one person, it would be expected to agree in every case. To my mind it is preferable that the final decision should be ministerial. Ultimately we may even see some form of ombudsman associated with local government activities. In effect, the Minister will possibly finish up being an ombudsman as a result of this amendment. To a large extent he will be a determining ombudsman between the ratepayers and the local authority.

To that extent, I think the measure deserves to be supported, but I cannot get very excited about it. I am not too keen on the power being reposed in the present Minister as I am not sure that he will use it to the best advantage.

**MR. NALDER** (Katanning—Minister for Agriculture) [11.26 p.m.]: This amending legislation has caused a considerable amount of interest right throughout the State. As the Minister who in this House represents the Minister for Local Government, I myself have taken more than ordinary interest in the matter.

I fail to see that there is another satisfactory answer to this problem. Indeed, the debate tonight has indicated that members could not suggest an alternative solution. It must be stated that the present Minister for Local Government has carried out his responsibilities in a fair and tactful manner.

I acknowledge the point raised by the member for Ascot; namely, perhaps such a problem would not have developed if local authorities had been prepared to reconsider some of the problems that they faced. On the other hand, the member for Belmont, who has just resumed his seat, made a point, as well; that is, just how far should a local authority go in a situation such as this. A local authority could find itself in very difficult circumstances, especially if it gave way in respect of some of the by-laws which other local government authorities have accepted. In the main, local government bodies seem to have endeavoured to be uniform in their by-laws. They have tried to adopt a sensible attitude.

Certain aspects come into this matter and one of them is that it does not matter how a by-law is interpreted, there is still a problem. This has been demonstrated in a number of cases and the local authorities were pleased to allow the situation to be decided by the Minister for Local Government.

I must refer to the situation that was faced by the late Gilbert Fraser, who was Minister for Local Government in another place some years ago. Reference to this has been made in the debate tonight. I have heard many congratulatory remarks passed with respect to how he attacked the situation and the common-sense views which he brought into local government as a result of his sane and sensible approach to the problem.

In my opinion similar procedures have been followed by the present Minister. He has had long experience with local government matters and I do not know the answer to the situation that has developed. At some stage or other a position must be reached where it is almost impossible for any person to be able to handle the number of appeals coming before him. However, the Minister for Local Government has said he will keep a close eye on the situation as it develops, and will endeavour to find some solution to a situation where a Minister is working practically full time on hearing cases which are brought forward by aggrieved parties or by local authorities.

I appreciate the support given to the Bill. I will convey the remark made by the member for Swan to the Minister for Local Government and I am sure he will be pleased to hear it, because I know the comment was made in good part. I hope the House will support the second reading of the Bill.

Question put and passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Nalder

(Minister for Agriculture) in charge of the Bill.

Clause 1: Put and passed.

Clause 2: Section 374 amended—

Mr. DAVIES: The Minister will probably be delighted to know that there was to be a stream of members speaking to this Bill, but they have decided not to avail themselves of the opportunity to express their views. Because I knew that several speakers were to speak to it I was out of my seat when the second reading debate collapsed. However, I will not let the situation pass without expressing my comment; that is, I believe we are over simplifying the position.

By agreeing to the Bill we are suggesting the Minister should be granted power to make minor amendments to by-laws. There is nothing wrong with that, but where does such action start or finish? An example sited by a Minister in another place was that of a block which is short of the required width by, say, six inches in accordance with the local authority by-laws for building, and he felt that in such a case it was reasonable for the Minister to intervene and decide that the by-laws need not be observed. I agree that this is a reasonable case. I have nothing disparaging to say about the way the Minister handles appeals. Under the Bill we are seeking to give him power to override local authorities, but we do not stipulate to what degree he can exercise this power. First of all, I think it is absolutely appalling to think that a Minister should have to deal with 700 appeals in one year. The present Minister is very thorough when he handles these appeals. I understand he views the land *in situ* in practically every case that is referred to him. Is it not scandalous that a man occupying one of the most important portfolios in the Cabinet, and being paid such a high salary, should be driving around in a limousine measuring blocks of land and building heights? In my opinion he has far more important matters to attend to. In these instances he is dealing only with minor matters, but what happens in regard to major matters?

What happened when we had an appeal which was associated with town planning, and where the architect concerned spent weeks preparing the case? He sent to the Eastern States to obtain all the information possible. The case was put before the Minister and he was good enough to receive a deputation, but from his remarks it was felt that he had not read the material that had been supplied to him. The Minister viewed the situation and then interviewed the chief planner and agreed with him again. The Minister then said that he could not agree to the request that had been made. In this instance we feel that he has not read all the information supplied to him. I do not believe he could have read it; or that it is fair to ask him to read all of it.

Should not a tribunal be appointed to handle all these appeals? There are tribunals to handle many other matters, and the suggestion put forward by the member for Belmont that a tribunal could become bogged down in legal technicalities could be disproved, because this need not be necessary. In hearings conducted by the Public Service Appeal Board lawyers are allowed to appear before the board only by special consent. There are many similar boards. I believe that if such a tribunal were appointed the members on it could be laymen. It need not be turned into a court of law, provided the tribunal is legally constituted, but I am not suggesting how it could be constituted.

However, even if the hearing of the case took two days both parties would feel they had gained some satisfaction. Under the circumstances existing at present both parties always go away still feeling aggrieved. It is not reasonable to ask the Minister who holds such an important portfolio to go around measuring blocks of land and building heights.

I believe this is one of the most important Bills that has come before us this session, because it seeks to give one person a tremendous amount of power. We do not know who will wield this power in future, or how it will be applied. I suggest that for the most part Cabinet Ministers have to be reasonable, but also they need to have an opportunity to handle such cases. At present the Minister for Local Government has not sufficient time or scope to deal with them.

I believe that the appointment of a tribunal is very necessary. I believe the architects in Perth are not happy about having to approach the Minister on a matter of some importance, not because he is the Minister, but because he has not sufficient time to deal properly with the appeals that are presented to him. Therefore, I think we are over simplifying the whole position and we propose to give the Minister power to make decisions on what he indicates to us are minor matters, when there is nothing to indicate the scope or area of appeals he will be able to handle. I am sure the Minister will appreciate this. It is possible the Minister will be glad to pass on some of these appeals to a tribunal; I do not know. However, it is not fair to over simplify the situation. This matter may have been discussed by the Deputy Premier and the Minister for Local Government, but I feel the time has arrived when some independent authority should have the right to hear appeals on local government matters.

Mr. GRAHAM: I wish to say a few words on this question because one of the cases which has been highlighted in this issue is in my district. In fact, I prepared the appeal presented to the Minister. He was good enough to interest himself in it, and in my opinion he, in turn, made the correct decision. Like the member for Swan, I

can speak of the Minister in generous terms. I did not have success on the other occasion, but in the majority of cases I can say that I did. I think the submissions were warranted or else they would not have been made.

Mr. Davies: No-one is criticising the Minister.

Mr. GRAHAM: That is so. We are in the peculiar position of amending legislation but of not establishing anything new. For more than 50 years, successive Ministers for Local Government have taken certain action which has never been queried. But recently it has. All this legislation does is to make clear beyond doubt what has transpired for more than half a century, and to say that it shall continue.

As the member for Victoria Park said, the day has arrived, or shortly will arrive, when it will be physically impossible for the Minister to deal with all the cases. When that day does arrive the Minister can come to us with something, but I would still like the Minister to be the final arbiter. If a departmental officer were entrusted with the task, perhaps he would uphold 90 per cent. of the appeals while the other 10 per cent. would go to the Minister, if the appellant felt so disposed.

The whole thing derives from an attitude on the part of certain local authorities which do not interpret the laws in a sufficiently realistic, practical, and generous manner. We are aware, for instance, that there is a speed limit of 35 miles per hour in the metropolitan area and in the country towns. But I do not know of a single case of a person being prosecuted for travelling at 36 miles per hour in his vehicle. It is recognised that the police apply common sense and some tolerance in this matter, as do the traffic inspectors in the country districts.

While the uniform building by-laws are the guide lines, surely it is not asking too much to have a certain amount of tolerance and common sense exercised. Only yesterday I received a letter from a person who was in trouble because his brick wall or building was three-quarters of an inch too close to the boundary. I will not mention the local authority involved.

There would be scarcely one building in the metropolitan area which conforms precisely with the building by-laws, the health laws, or some other enactment. If a local authority wished to be mischievous and apply the law 100 per cent., members could imagine the chaos that would ensue. I doubt if there is one fence that does not obtrude onto the street or footpath; the footpath, of course, being part of the street. If a conscientious local authority wanted the local by-laws carried out to the letter it would have the time of its life having fences moved back a quarter of an inch, and so on. The whole thing is a matter of a sympathetic approach, and that is what has been given by the Minister.

If Parliament passes this legislation, surely it should go forth as an intimation to the local authorities that they must apply common sense in these matters. As a matter of fact I know the Minister has asked certain local authorities to do this, but for reasons best known to themselves they decide they will comply with the request when it suits them. The trouble is that they have applied the laws too rigidly.

I hope the co-operation of the local authorities will spare the Minister from having to listen to 700 appeals, or whatever the number might be, and I express my appreciation of the action he has taken to have this legislation prepared so expeditiously to meet the situation.

Mr. JAMIESON: I do not want to prolong the debate, but whilst two speakers have spoken glowingly of the assistance rendered by the Minister, I would like to give an instance where this assistance was not forthcoming. I refer to authority being given to build a three-bedroomed house on one-thirteenth of an acre of land. The house is at the corner of Knutsford Avenue and Scott Street in Kewdale. Had the Minister visited the area he would have realised that the proposition was not at all tenable. If the corner is truncated at any time, the rotary clothes hoist will be out on the street. I hope this sort of thing will not be repeated.

Mr. Davies: Was this done on appeal?

Mr. JAMIESON: It was approved by the Minister and it contravened the by-laws which provide for a minimum size block.

Mr. O'Connor: This would be abnormal.

Mr. JAMIESON: It would be an abnormal Minister who approved such a thing. I am glad of the information provided by the member for Victoria Park that the Minister has a tape measure.

Clause put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and passed.

## TWO-PART WAGE

*Restoration—Motion: Order Discharged*

Order of the Day read for the resumption of the debate, from the 18th September, on the following motion by Mr. Tonkin (Leader of the Opposition):—

> In the opinion of this House legislation should be introduced this session of Parliament to restore the concept of a wage divided into two parts,

viz., one part to be subject to cost-of-living ajustments and the other part to reflect the relative skills of the workers.

**MR. DAVIES** (Victoria Park) [11.47 p.m.]: I move—

That the Order be discharged.

Motion put and passed.

Order discharged.

## ADJOURNMENT OF THE HOUSE: SPECIAL

**MR. NALDER** (Katanning—Deputy Premier) [11.48 p.m.]: I move—

That the House at its rising adjourn untill 11 a.m. tomorrow (Thursday).

Question put and passed.

*House adjourned at 11.49 p.m.*

# Legislative Council

Thursday, the 1st May, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11 a.m., and read prayers.

## SOUTH AUSTRALIAN MEMBER OF PARLIAMENT

*Presence*

**THE PRESIDENT** (The Hon. L. C. Diver): We have a visitor from South Australia, The Hon. D. H. L. Banfield, within the precincts of Parliament House and I propose to invite him to take a seat on the floor of the House.

## QUESTIONS (2): WITHOUT NOTICE

### TRAFFIC ACT

*Interpretation of "Roadworthiness"*

1. The Hon. F. R. WHITE asked the Minister for Mines:

Would the Minister please advise the House of the meaning of the term "roadworthiness" as applied to the Traffic Act, 1919-1968?

The Hon. A. F. GRIFFITH replied:

This is a question which I think would be better answered when the Traffic Act Amendment Bill is before the House. The honourable member was good enough to acquaint me with his doubts in connection with the use of this expression in the legislation. I am grateful for that.

Between last night and this morning I have had the opportunity to examine the proposition and I I can give him quite a deal of information when the Bill is in Committee.

### NORSEMAN MEAT CO. PTY. LTD.

*Compensation for Meat Condemned*

2. The Hon. W. F. WILLESEE (for The Hon. R. H. C. Stubbs) asked the Minister for Mines:

Further to my question directed to the Minister for Mines on Wednesday, the 30th April, 1969, which was misinterpreted and answered by the Minister for Health, will the Western Australian Government Railways compensate or make some *ex gratia* payment to the small local firm of The Norseman Meat Co. Pty. Ltd., a regular railways client, for the loss of 528 lb. of beef, 570 lb. of mutton, and 137 lb. of pork, on the 4th February, 1969, due to its putrid condition on arrival at Norseman owing to insufficient refrigeration at the time of the rail strike?

The Hon. A. F. GRIFFITH replied:

When Mr. Stubbs directed his original question to me, I thought it was a question which belonged within the portfolio of my colleague, the Minister for Health. Consequently the matter was referred to Mr. MacKinnon and he answered the question.

Apparently Mr. Stubbs is not satisfied with the answer which was given and now seeks further information from me. Information will be made available to him by the Minister for Health later in the sitting today.

## QUESTIONS ON NOTICE

*Postponement*

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [11.6 a.m.]: Because of the early hour of sitting this morning, the answers to questions are not available. I seek your permission, Mr. President, to supply the answers during the course of the day as and when they become available.

The PRESIDENT: Very well.

## NOXIOUS WEEDS ACT AMENDMENT BILL

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

*Second Reading*

**THE HON. L. A. LOGAN** (Upper West—Minister for Local Government) [11.8 a.m.]: I move—

That the Bill be now read a second time.

The amendments proposed in this Bill are designed, firstly, to repeal subsection (2a)