

The Hon. A. F. GRIFFITH: Would the Minister in charge of the Bill be good enough to tell us the Government's views on this?

The Hon. W. F. WILLESEE: The Government's intention was to oppose the original amendment moved by Mr. Withers. We did this to the best of our ability but the amendment was carried. I see no point in prolonging the issue.

Because we felt we could not make sensible legislation by accepting the amendment to clause 5 progress was reported to give us the opportunity to draft an amendment which would make the Bill acceptable in another place.

So on that basis I have accepted the decision of the Committee and have nothing more to say. The Committee having given its decision on clause 5 the other amendments were considered consequential after having been looked at by the Parliamentary Draftsman.

The Hon. A. F. Griffith: This one is not consequential on clause 5.

The Hon. W. F. WILLESEE: I took that view after looking at the Bill as a whole, following the decision of the Committee on clause 5. As I believe that that clause forms the basis of the Bill, the principle it contains must now be returned to another place in order that a decision may be made.

The Hon. A. F. GRIFFITH: I think the Leader of the House and the Government are obviously acting in a spirit of compromise. I think the amendment moved by Mr. Withers, contrary to the view expressed by Mr. Cloughton, is a sensible one. It saves cost, avoids duplicity of appointment, and gives to the officer already appointed in this field an additional duty to perform.

Amendment put and passed.

Postponed clause, as amended, put and passed.

Schedule put and passed.

Title put and passed.

Bill reported with amendments.

*House adjourned at 9.04 p.m.*

## Legislative Assembly

Tuesday, the 15th August, 1972

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

### QUESTIONS (31): ON NOTICE

#### 1. ELECTRICITY SUPPLIES

##### *Erection of Poles: Northam*

Mr. O'NEIL, to the Minister for Electricity:

- (1) Upon what date did officers of the S.E.C. Northam depot enter upon Avon location 15744 for the purpose of erecting poles for a power line?

- (2) What date appears on the letter signed by the district engineer, Northam, advising of the proposed entry upon the property?

- (3) Does the notification of entry contain these words: "Entry to your property will be some three or more days after the issue of this notice."?

- (4) Could he advise whether in fact three or more days did elapse between the issue of the notice of entry and the erection of power poles?

- (5) If not, why not?

Mr. MAY replied:

- (1) 18th July, 1972.

- (2) 18th July, 1972.

- (3) Yes.

- (4) A construction crew was working in the area. Rather than withdraw them and return at a later date, the wife of the owner of location 15744 was contacted by telephone on the 18th July prior to entry and approval obtained to proceed.

- (5) See (4) above.

## 2.

### POPULATION

#### *Metropolitan Area: Studies*

Mr. A. R. TONKIN, to the Premier:

- (1) Are there any recent studies which purport to state an optimum population for the Perth metropolis?

- (2) If there are no such studies, will he undertake to have such a study made, using the resources of Government departments and tertiary educational institutions?

Mr. J. T. TONKIN replied:

- (1) Though there are no studies which specifically deal with the question of an optimum population, the corridor plan for Perth and the associated report on the corridor plan prepared by The Metropolitan Region Planning Authority discuss in detail the problems of population growth and the means by which they might best be approached. There is ample capacity within the Perth region as at present constituted for the absorption of more than 2,000,000 people.

- (2) Because the definition of the term "optimum" is primarily a question of subjective judgment, I do not consider that a specific study is warranted.

### 3. HIGH SCHOOLS

#### *Fourth and Fifth Years: Retention Rate*

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

- (1) What are the retention rates for—
  - (a) State secondary schools;
  - (b) non-State secondary schools, for the—
    - (i) fourth; and
    - (ii) fifth years,
 for each of the years contained in the period 1968-1972?
- (2) Is research into retention rates being undertaken at the present time in Western Australia?

Mr. T. D. EVANS replied:

- (1) (a) (i) Fourth year retention rates for State secondary schools—

		%
1968	....	30.0
1969	....	33.1
1970	....	34.1
1971	....	38.8

- (ii) Fifth year retention rates for State secondary schools—

		%
1968	....	72.8
1969	....	76.1
1970	....	74.2
1971	....	74.8

- (b) (i) Fourth year retention rates for non-State secondary schools—

		%
1968	....	58.9
1969	....	58.1
1970	....	59.0
1971	....	61.0

- (ii) Fifth year retention rates for non-State secondary schools—

		%
1968	....	86.8
1969	....	87.1
1970	....	84.1
1971	....	83.4

Retention rates for 1972 for State secondary schools and non-State secondary schools are not yet available.

- (2) Yes.

### 4. HOSPITALS

#### *Building Projects*

Dr. DADOUR, to the Minister for Health:

- (1) Will he please list all medical and hospital building projects, and the estimated costs of same—
  - (a) under construction;
  - (b) proposed for commencement of building in the near future,

including those for which finance is available and those ready to go ahead as soon as finance becomes available?

- (2) Does the Government intend to buy or acquire any hospitals or other buildings for the Medical Department or any hospital within the next 12 months?

Mr. DAVIES replied:

- (1) (a) The projects listed on the statement I hereby table are those under construction in respect of public hospitals.
  - (b) This information cannot be given until the loan allocation for 1972-73 is decided.
- (2) This would depend upon need and finance. At present nothing is contemplated.

*The statement was tabled (see paper No. 283).*

### 5. CANNINGTON HIGH SCHOOL

#### *Gymnasium*

Mr. BATEMAN, to the Minister for Education:

In view of the answers to parts (1) and (3) of question 28 of 9th August, 1972—

- (1) Has there been a specific grant set aside for the construction of a gymnasium at the Cannington Senior High School from State Government funds?
- (2) In what order of priority is it expected this work will be commenced and in what financial year?

Mr. T. D. EVANS replied:

- (1) No.
- (2) The basic priority is determined by the order in which schools were established but it may be modified after consideration of special factors.

An absolute priority list has not been established as the position is reviewed each year and schools are selected according to the finance available. It is not possible to state in which financial year work will commence at Cannington, because this will depend upon the financial position after the other urgently required accommodation needs have been met.

### 6. HOUSING

#### *Building Societies Legislation: Committee*

Mr. O'NEIL, to the Minister for Housing:

- (1) Assuming he has overlooked the matter, would he, as requested in part (2) of question 14 on Wednesday, 9th August, 1972, detail

the recommendations made by the committee appointed on 20th August, 1971 to examine building societies legislation and which reported to the Premier on 21st January, 1972?

(2) If not, why not?

Mr. BICKERTON replied:

(1) The report submitted was confined to the question of control of interest rates. An extract from the report is:—

The majority opinion of the study group is—

Effective statutory control of interest rates could be achieved by an amendment to the Building Societies Act.

The amendment should give the power for the Minister to fix from time to time by proclamation, the maximum interest rate to be offered on shares and deposits, and the maximum rate to be charged on loans.

Current rates should be reduced by no more than  $\frac{1}{2}\%$ —i.e. to  $6\frac{1}{2}\%$  on shares and deposits; and to  $7\frac{1}{2}\%$  (quarterly rests) on first mortgage loans for owner occupiers. (A higher rate should be allowed for "investment loans" and loans for a second home).

There is no generally acceptable base which would automatically determine the appropriate interest rate for building societies. It will need to be decided in the light of circumstances in the money market, and the balance between available funds and demand for mortgage loans.

(2) Answered by (1).

## 7. FOREIGN SPORTS TEAMS AND VISITORS

### *Treatment by Government*

Mr. RUSHTON, to the Premier:

(1) Will he list the business and social contacts by the Government and the Ministers involved with the visits of—

(a) the Springbok rugby team;

(b) Mr. William Rogers, United States of America Secretary for State, during June, 1972;

(c) Chinese table tennis team;

(d) Taiwanese basketball team?

(2) What measures were taken for the protection of these visitors?

(3) What steps did the Government take to discourage the tour by the South African cricket team or any of the abovementioned teams or individuals?

(4) In line with his television comments during the Chinese table tennis team visit that sport is a good medium for creating goodwill between people and nations, will he please confirm his Government will treat all sporting teams with equal courtesy in the future?

Mr. J. T. TONKIN replied:

(1) No.

(2) Such measures as in the opinion of the Commissioner for Police were necessary and desirable in each case.

(3) Such steps as were considered to be appropriate either to discourage or encourage as the circumstances warranted.

(4) It is conceivable that the Government may in some circumstances have rather more enthusiasm for some sporting teams than others (e.g. the Australian cricket team of which 6 out of 11 players in the fifth test were from Western Australia) and its reception would be coloured accordingly.

## 8.

### CONTRACEPTIVES

#### *Display in Pharmacies*

Dr. DADOUR, to the Premier:

(1) Is his Government in favour of contraceptives being displayed in pharmacies?

(2) If so, how does the Government reconcile this with the closure of the sex shop, bearing in mind there is an area of overlap?

Mr. J. T. TONKIN replied:

(1) As the Government is in favour of the establishment of family advice centres to advise on family planning and child rearing, consistency requires that it does not hinder the availability of contraceptives.

(2) If the Member does not know the difference between that which is disgusting and that which is not, it would be a waste of time to endeavour to enlighten him concerning the Government's policy.

## 9.

### DENTISTRY

#### *Contributory Scheme*

Mr. MENSAROS, to the Minister for Health:

(1) Does he have any knowledge about a contributory dental scheme—similar to the one sponsored by the Australian Dental Association and reported as about to commence in the Eastern States—to be planned in Western Australia?

(2) If so, could he inform the House about details?

Mr. DAVIES replied:

- (1) A scheme sponsored by the Australian Dental Association is under consideration by the Commonwealth Attorney-General. If approved, a company will offer a non profit scheme under which groups of people will be able to secure financial benefit to meet the cost of dental treatment.
- (2) No further details are known.

forms of potash fertiliser used in Australia are potassium sulphate and potassium chloride.

- (2) (a) Langbeinite contains magnesium compounds.
- (b) The company has carried out market surveys and has satisfied itself that it can sell its product in Australia and overseas.
- (3) See (2) (b) above.

10.

### TRAFFIC

#### *Parking: Forrest Place*

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

- (1) Is he aware that the "5 minutes at all times" parking bays in Forrest Place in front of the G.P.O. building are taken up most evenings and nights and especially Sunday nights by cars parking there for several hours?
- (2) Can he exert some influence on the Perth City Council to police these parkings, enabling the public to park when clearing G.P.O. private boxes?

Mr. BICKERTON replied:

- (1) No.
- (2) No complaint has been received, and it is not my intention to advise the City of Perth as to how they should deploy the manpower at their disposal.

### 11. INDUSTRIAL DEVELOPMENT

#### *Texada Potash Project*

Sir CHARLES COURT, to the Minister for Development and Decentralisation:

- (1) With reference to the potash producing proposal announced recently by Texada Mines Pty. Ltd., will he please advise the process to be used and also the product to be produced—in particular, whether the product is to be the conventional form of potash or in some other form?
- (2) If the form of potash to be produced is not the main conventional type of potash product currently marketed, will he advise how it differs and how it will be absorbed into potash markets and potash uses?
- (3) What markets are proposed?

Mr. MAY (for Mr. Graham) replied:

- (1) Texada Mines Pty. Ltd. has submitted proposals to extract by a new patented process potash salts from the brines and bitterns of Lake MacLeod. The product will be langbeinite, a potassium magnesium sulphate. Conventional

12.

### UNEMPLOYMENT

#### *Relief: Commonwealth and State Funds*

Mr. RUSHTON, to the Treasurer:

Adverting to question 12 of 1st August, question 6 of 3rd August and question 7 of 9th August relating to the funds allocated by the Western Australian Government for unemployment relief for the financial year 1971-72—

- (1) Does this in fact mean that no funds were found by the Western Australian Government from its own sources towards unemployment relief in 1971-72?
- (2) Is he satisfied with the grants given by the Commonwealth Government towards unemployment relief in the rural areas?
- (3) If "No" to (2), will he table a copy of his communications to the Prime Minister setting out his objection?
- (4) What was the extent of the funds granted to Western Australia by the Commonwealth Government in 1971-72 with no strings attached from which allocations could have been made towards unemployment relief in the metropolitan area?

Mr. J. T. TONKIN replied:

- (1) No.
- (2) Yes.
- (3) Answered by (2).
- (4) The Commonwealth Government did not grant any funds to Western Australia in 1971-72 for the purpose of relieving unemployment in the metropolitan area.

13.

### TAXES AND CHARGES

#### *Increases: 1971-72*

Mr. RUSHTON, to the Treasurer:

- (1) Will he advise the total sum of taxes and charges obtained by the Government from increases initiated by the Government and Government instrumentalities for 1971-72?

- (2) What will be the estimated total sum to accrue from a full year of these increases?

Mr. J. T. TONKIN replied:

- (1) Approximately \$20.5 million.  
(2) \$30.4 million.

#### 14. WHARFAGE CHARGES

##### *Exemption: Loss of Revenue*

Mr. JONES, to the Treasurer:

Referring to his answer to part (3) of question 26 on Tuesday, 8th August regarding payment of wharfage charges at Kwinana—

- (1) Where industries have provided their own jetties what wharfage rates are charged?  
(2) What annual amounts of revenue have been lost to the State because of the operation of the exemption from wharfage charges for the years 1955 to 1972 using—  
(a) the lowest rate operating;  
(b) the highest rate operating?

Mr. J. T. TONKIN replied:

- (1) Broken Hill Pty. Ltd. wharfage—  
Inwards—  
Bulk cargo (iron ore, limestone etc.) 3½ cents a ton.  
General cargo (steel etc.) 20 cents a ton.

Outwards—Nil.

Alcoa of Australia Ltd. wharfage—

Inwards—5 cents a ton.

Outwards—

Alumina, 5 cents a ton.

B.P. Refinery (Kwinana) Pty. Ltd. wharfage—

Inwards—Nil.

Outwards—Nil.

- (2) (a) and (b)—

Inward	Tons	3½ cents	20 cents
		\$	\$
1955	637,720	21,257.33	127,544.00
1956	1,865,746	62,158.20	372,949.20
1957	2,103,734	70,124.47	420,746.80
1958	2,420,711	80,690.40	484,142.20
1959	2,397,694	79,923.13	479,538.80
1960	2,475,378	82,512.60	495,075.60
1961	3,397,078	113,235.93	679,415.60
1962	3,191,059	106,368.63	638,211.80
1963	3,242,711	108,000.37	648,542.20
1964	3,457,774	115,259.14	691,554.80
1965	3,200,693	106,689.77	640,138.60
1966	3,215,023	107,167.43	643,004.60
1967	3,008,370	100,279.00	601,674.00
1968	3,111,677	103,722.57	622,335.40
1969	3,366,841	112,228.03	673,368.20
1970	3,673,476	129,115.83	774,695.20
1971	4,612,784	153,759.47	922,556.80
1972	4,131,823	137,727.43	826,364.60
<b>Total</b>	<b>53,709,282</b>	<b>\$1,790,309.73</b>	<b>\$10,741,858.40</b>

Outwards	Tons	·05 cents
		\$
1955	332,039	16,601.95
1956	1,357,894	67,884.70
1957	1,449,185	72,459.25
1958	1,876,993	93,849.65
1959	1,689,003	84,450.15
1960	1,851,845	92,592.25
1961	2,391,072	119,553.60
1962	2,475,010	123,750.50
1963	2,331,362	116,568.10
1964	2,497,241	124,862.05
1965	2,082,135	103,108.75
1966	1,985,270	99,263.50
1967	1,454,944	72,747.20
1968	1,301,412	65,070.60
1969	1,331,061	66,553.05
1970	1,177,269	58,863.45
1971	1,261,366	63,067.80
1972	1,199,412	59,970.60
	<b>30,024,303</b>	<b>\$1,501,215.15</b>

#### 15.

#### CATTLE

##### *Compensation: Tuberculosis and Brucellosis*

Mr. BROWN, to the Minister for Agriculture:

- (1) What measures are being taken to increase rates of compensation on tuberculosis and brucellosis in cattle?  
(2) What is the position in other States of the Commonwealth?  
(3) What is the level of the compensation fund at present?  
(4) What amount would be required to compensate all known reactors and affected animals in Western Australia?

Mr. H. D. EVANS replied:

- (1) Current rates of compensation are considered to be adequate:

Commercial cattle—

Bulls—\$300 maximum.

Others—\$200 maximum.

Registered stud cattle—

Bulls—\$1,000 maximum.

Others—\$600 maximum.

- (2) Rates of compensation for tuberculosis are:

N.S.W.—average \$70 per head.

Victoria—\$120 maximum.

S.A.—\$130 average.

Queensland—Nil.

Tasmania—market value.

A.C.T.—50% of an agreed value.

N.T.—Nil.

Tasmania is the only State, other than W.A., to compensate for brucellosis.

- (3) \$367,507.57 at 30-6-72.

- (4) Approximately \$2,000,000.

#### 16.

#### WATER SUPPLIES

##### *Tunnel: Canning Dam-Roleystone*

Mr. RUSHTON, to the Minister for Water Supplies:

- (1) Advertising to question 24 on 9th August did the department negotiate or discuss with the local authority the installing of the tunnel

and pipe lines emerging at one of the most attractive beauty spots in Roleystone?

- (2) (a) If so, on what date;  
(b) If not, why not?
- (3) Has the Environmental Protection Authority been asked to report upon this tunnel development?
- (4) When were the disadvantaged owners given notice?
- (5) How much land is to be resumed?
- (6) Will he let me have a plan showing the route and projected works at Roleystone?

Mr. JAMIESON replied:

- (1) No.
- (2) (a) Answered by (1).  
(b) This was attended to by the publication of formalities in the *Government Gazette* on 11th August and *The West Australian* on 12th August.
- (3) Yes.
- (4) Personal contact was made on 4th August.
- (5) 13.85 acres.
- (6) This is included in the feasibility report and I have already informed the Member that this will be made available for his examination, by the General Manager of the Metropolitan Water Board.

(e) if he would table a sketch plan or describe the location of the building in relation to the main entrance of the hospital?

- (3) If (1) is "No" is he able to advise plans for the operation of the blood bank in Albany during and after alterations are made to the hospital?
- (4) Is he aware of a report in *The West Australian* of 10th August under title "Site for Blood Bank criticised"?

Mr. DAVIES replied:

- (1) Yes.
- (2) (a) This will depend on the completion of contract documents and finance.  
(b) and (c) Not known.  
(d) 42 feet x 28 feet.  
(e) Yes.
- (3) Not applicable.
- (4) Yes. I draw the Member's attention to the attachment to the plan tabled. This sets out the reasons for choosing this site. I seek leave to table the plan.

*The plan was tabled (see paper No. 284).*

## 19. PRICES CONTROL LEGISLATION

### *Cost of Administration*

Mr. W. A. MANNING, to the Minister for Prices Control:

- (1) What is the estimated annual cost of administering the proposed Prevention of Excessive Prices Act giving in detail the amount provided for—  
(a) Prices Advisory Commission;  
(b) Commissioner;  
(c) all other officers;  
(d) staff;  
(e) other expenses;  
(f) office accommodation?
- (2) Will all administration be located in Perth?

Mr. TAYLOR replied:

- (1) It is envisaged initially that the Prices Commissioner and staff will be accommodated and integrated with the Consumer Protection Bureau in premises already occupied by the Department of Labour. There is some probability that the Commissioner of Consumer Protection will act as Prices Commissioner. The expenses which may occur in 1972-73 are included in an over-all estimate for Consumer Protection and Prices Control of \$33,000 for salaries and \$21,000 for general expenses.

## 17.

### LAND

#### *Naval Base Housing Project: Rezoning*

Mr. RUSHTON, to the Premier:

- (1) Did the Premier's committee for the development of Cockburn Sound and Kwinana consider and recommend that the industrially zoned land at Naval Base of approximately 1,500 acres should be rezoned urban?
- (2) If so, will he table the committee's report making this recommendation?

Mr. J. T. TONKIN replied:

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

## 18. ALBANY REGIONAL HOSPITAL

### *Blood Bank*

Mr. COOK, to the Minister for Health:

- (1) Is it proposed to build a new blood bank at the Albany regional hospital?
- (2) If so, would he advise—  
(a) when it is expected work on the building will commence;  
(b) the estimated date of completion;  
(c) the estimated cost;  
(d) the size of the building;

The undermentioned amounts given in reply to the question cover both services:—

- (a) It is presumed that the Member referred to Prices Advisory Committees. If so, members will be paid a sitting fee on an *ad hoc* basis. Costs for the year are estimated at \$4,000.
- (b) \$13,000 as salary of commissioner.
- (c) \$8,000 as salary of investigating officers.
- (d) \$12,000 as salary of office staff.
- (e) \$21,000 general expenses, including the amount mentioned in (1) (a).
- (f) Partitioning and furniture—approximately \$5,000.

(2) Yes.

## 20. MIDLAND WORKSHOPS

### *Employees: Discrimination*

Mr. THOMPSON, to the Minister representing the Minister for Railways:

- (1) Is he aware that many men employed in the W.A.G.R. workshops at Midland are dissatisfied with the apparent discrimination between white and blue collar workers in that establishment?
- (2) Can he state the justification for men in clerical jobs which, in some cases, require little qualification, being employed on better conditions than skilled tradesmen?
- (3) Will he take steps to eliminate the discrimination?

Mr. MAY replied:

- (1) No. I have no knowledge of this.
- (2) The conditions of employment for clerical workers at Midland are provided in an industrial award, and in general are similar to those applying to clerical workers in the State Public Service and elsewhere. The conditions of employment for other workers are also prescribed in industrial awards of the Industrial Commission covering their employment, and are similar to like workers in the Government service and elsewhere.
- (3) As indicated, I am not aware of any discrimination but if the dissatisfaction stems from rates of pay or conditions of employment, these would be matters for deliberation by the appropriate industrial tribunal.

21.

## HEALTH

### *Drug Dependence*

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

- (1) Are there any reliable and/or official figures for drug dependence in Western Australia?
- (2) If so, what are the various categories of drugs upon which dependence is noted and what are the figures?
- (3) What is the relationship of age to the incidence of drug dependence?

Mr. DAVIES replied:

- (1) Addiction to drugs is notifiable by medical practitioners to the Commissioner of Public Health under the Health Act.
- (2) (a) During the last five years 52 such notifications have been recorded.

1967	....	8
1968	....	13
1969	....	10
1970	....	11
1971	....	10

- (b) The drugs involved have been:—

Morphine and related compounds—8.  
 Pethedine—9.  
 Palfium—9.  
 Opium—3.  
 Amphetamines—11.  
 Barbiturates—6.  
 Other miscellaneous drugs—6.

- (3) Of those notifications in which the age is stated, incidence appears to involve all adult age groups and about one-half are under 40 years.

22.

## EDUCATION

### *Zoological Gardens: Instructional Facilities*

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

- (1) Is there provision at the South Perth Zoological Gardens for the instruction of students as there is at Taronga Park in Sydney?
- (2) If not, does he believe that there are any educational advantages to be obtained from such a provision?

Mr. T. D. EVANS replied:

- (1) No.
- (2) Yes.

In addition to the answer, as printed, I have asked the Education Department to act on the initiative of the honourable member and to make appropriate inquiries as to what course of instruction is available at Taronga Park in Sydney.

**23. TEACHERS TRAINING COLLEGES***Micro-teaching Technique*

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

- (1) Has the technique of micro-teaching been introduced into any teachers' colleges other than Mount Lawley?
- (2) If not, when is it anticipated that such methods will be extended to other institutions?
- (3) What are the specific teaching skills which constitute the programme?

Mr. T. D. EVANS replied:

- (1) Yes, in all colleges.
- (2) Not applicable.
- (3) Programmes are designed to cover as many aspects of teaching as are required by individual students.

24. *This question was withdrawn.*

**25. PARLIAMENTARY COMMISSIONER***Investigations: Number*

Mr. BLAIE, to the Speaker:

- (1) How many inquiries for investigation have been received by the Parliamentary Commissioner?
- (2) What is the number that have been—
  - (a) rejected as not in accordance with the Act;
  - (b) rejected after investigation?
- (3) Are any Government departments currently under investigation and, if so, will he detail them?

The SPEAKER replied:

- (1) 231.
- (2) (a) 77.  
(b) 28.
- (3) Agriculture—2.  
Crown Law—4.  
Fisheries and Fauna—2.  
Labour—1.  
Lands—5.  
Medical—3.  
Mines—2.  
Public Works—7.  
State Taxation—3.

**26. BEACHES***Erosion: Cost of Control*

Mr. BLAIE, to the Minister for Works:

- (1) Will he give advice of beach areas subjected to erosion in Western Australia to which his department has allocated financial assistance to combat this problem?
- (2) What has been the cost of the beach erosion control in each area since 1970?

- (3) Has any estimate of cost of control for the 1972-73 works programme been prepared and, if so, will he give area detail?

Mr. JAMIESON replied:

- (1) Cottesloe—Muderup rocks groyne.  
Cottesloe—Beach Street groyne.  
Fremantle—South Beach: groynes and beach renourishment.  
Mandurah—Town Beach Terrace: groynes.  
Mandurah—Ormsby Terrace: beach renourishment.  
Busselton—East Busselton groyne.  
Busselton—Swimming area: groynes and foreshore wall.  
Busselton—Siesta Park groyne.  
Quindalup—Experimental groynes.  
Esperance—Experimental groynes and beach renourishment.
- (2) Direct Public Works Department expenditure since 1st July, 1970, has been—

		\$
Mandurah	....	15,767
East Busselton	....	10,496
Siesta Park	....	2,266

- (3) Yes. Estimated expenditure for 1972-73 is—

		\$
Mandurah	....	40,000
East Busselton	....	10,000

27.

**ABATTOIR***T.L.C.-U.F.G.A.: Negotiations for Guarantee*

Mr. BLAIE, to the Minister for Development and Decentralisation:

With regard to the U.F.G.A.-T.L.C. proposal for Government assistance to build abattoirs, who are the principal personnel from each group who have carried out negotiations to date?

Mr. MAY (for Mr. Graham) replied:

Mr. J. S. Rogers, President, United Farmers and Graziers' Association.

Mr. D. W. Cooley, President, and Mr. J. W. Coleman, Secretary, Trades and Labor Council of Western Australia.

**28. KWINANA-BALGA POWER LINE***Armada-Kelmscott Route*

Mr. RUSHTON, to the Minister for Electricity:

- (1) Has the commission discussed with the shire of Armada-Kelmscott the 330kV transmission line route from Albany Highway through the shire to the boundary of the shire of Gosnells and Kalamunda?



- (2) If "No" to (1), will it do this now?  
 (3) Will he give me a copy of the plan for this portion of the power line route, either firm or preliminary?

Mr. MAY replied:

- (1) There have been preliminary discussions at planning officer level.  
 (2) The commission is in the course of negotiations with the owners of a large property in this section which affects the balance of the route.  
 On satisfactory conclusion of these negotiations, the shire will be informed.  
 (3) See (2). A plan will be available after satisfactory conclusion of the negotiations.

## 29. INSTITUTE OF TECHNOLOGY

### *Parking Facilities*

Mr. RUSHTON, to the Minister for Education:

- (1) How many students are attending the Western Australian Institute of Technology, Bentley—  
 (a) full-time;  
 (b) part-time?  
 (2) How many staff (teaching and administrative) are employed at W.A.I.T.—  
 (a) full-time;  
 (b) part-time?  
 (3) What provision is made for the parking of vehicles for—  
 (a) staff;  
 (b) students?  
 (4) Will he advise the House of the plans towards improving the parking for—  
 (a) staff;  
 (b) students;  
 (c) visitors?

Mr. T. D. EVANS replied:

I shall refer to the institute at Bentley as W.A.I.T.

(1) W.A.I.T. Bentley campus:			
Full time	....	2,754	
part time	....	3,436	
			6,190
Other sites:			
Full time	....	123	
part time	....	155	
			278
External students			750
(2) (a) Bentley campus—			
Full time	....	839	
part time	....	69	
			908
(b) Other sites—			
Full time	....	98	
part time	....	10	
			108

- (3) The Institute presently has a total of 2,017 parking spaces allocated as follows:

Student—476.

Staff/Student—1,062.

Staff—457.

Visitors—22.

A recent usage survey indicated that the maximum car park utilisation at peak periods was lower than parking capacity.

The allocation of parking areas between staff, students and visitors is the responsibility of a parking committee which has provision for representation from students, academic staff and non-academic staff.

- (4) Subject to the availability of finance, the Institute is aiming to maintain the present favourable situation where there is parking available for all concerned.

## 30. BUILDERS' REGISTRATION

### *Operations of Unregistered Persons*

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

- (1) Is it true that people who are not qualified as builders are permitted to build by reason of their partnership with a registered builder?  
 (2) Is he aware that registered builders have charged sums of money computed on the basis of the number of buildings built, to unregistered builders in return for the latter being permitted to associate with them in a partnership which allows such building to take place?

Mr. JAMIESON replied:

- (1) Yes, and as far as the Builders' Registration Act is concerned, the registered builder only is recognised and takes all responsibility.  
 (2) It is known that registered builders charge fees for the use of their registration; however, the basis of the charge is unknown.

## 31.

### RABBITS

#### *Control Measures*

Mr. STEPHENS, to the Minister for Agriculture:

- (1) In the South West Land Division have many shires and/or councils come under the Agriculture Protection Board for the control of rabbits?  
 (2) Would he list these shires and indicate the number of operators in each shire?  
 (3) What has been the cost of the scheme to—  
 (a) each shire;

(b) the Government (listed under each shire),  
in each of the last ten years?

- (4) From what revenue source has the Government met its contribution?
- (5) Has there ever been an independent assessment of the effectiveness of the campaign?
- (6) Is any research being carried out to improve effectiveness of control procedures?
- (7) In the last ten years how many prosecutions have been made under section 98 of the Vermin Act?

Mr. H. D. EVANS replied:

- (1) All except three.
- (2) and (3) These comprise a table. This was the reason I asked for a deferment last week, and I would prefer to table it.  
I might add that no records are available prior to 1964.  
No detailed records have been kept of the cost to the Government for each shire but for costing purposes, the Agriculture Protection Board met one third of the costs up to 1967 and half to three quarters of the costs since.
- (4) Consolidated Revenue Fund.
- (5) No.
- (6) Yes.
- (7) No prosecutions are possible under section 98. 49 prosecutions have been carried out under section 99.

*Parts (2) and (3) were tabled (see paper No. 285).*

#### QUESTIONS (8): WITHOUT NOTICE

##### 1. TERRITORIAL SEA AND CONTINENTAL SHELF BILL

###### *Opposition by State Government*

Sir CHARLES COURT, to the Premier:

Has he contacted the Federal Leader of the Opposition (Mr. Whitlam) to tell him that his Government is opposed to the controversial Territorial Sea and Continental Shelf Bill for which the Federal Caucus of the A.L.P. has announced its support and its intention to move as soon as practicable to have the Bill brought up for decision in the Federal Parliament? This is in spite of the desire of all State Governments, including the Labor-governed States of Western Australia and South Australia, to resolve offshore sovereignty by negotiation between the States and the Commonwealth.

Mr. J. T. TONKIN replied:

The Federal Leader of the Opposition is well aware of my Government's attitude on this question.

Sir Charles Court: I hope it has some impact.

##### 2. AGRICULTURE PROTECTION BOARD BUILDING

###### *Invitations to Opening*

Mr. H. D. EVANS (Minister for Agriculture): On Thursday last, the 10th August, the Leader of the Opposition asked me whether the opening of the Agriculture Protection Board building was a public function or not. I undertook to give him the details of this.

I would like to point out to him that invitations were issued on a limited basis. Initially, the Agriculture Protection Board intended that the function should take the form of a tour through the building, but this was subsequently changed to a small opening. For reasons of economy, it was contained to executive members of farmers' organisations, country shire councils' associations, collaborating departments which took in the Department of Fisheries and Fauna, the Department of Agriculture, A.P.B. members, past and present, and the P.W.D. as well as the collaborating shire council which, in this instance, was Kalamunda, and the appropriate Minister.

Sir Charles Court: What about the former Minister who initiated it?

##### 3.

#### TIMBER

###### *Price Increase*

Mr. REID, to the Minister for Forests:

- (1) Was the recent price increase of 7½ per cent. for timber from the Forests Department an across-the-board price increase?
- (2) If not, what is the percentage range of price increases and to what items does it apply?
- (3) What percentage of pine forest thinnings after treatment is used by farmers for fence posts?
- (4) Is it true the department has increased the price of thinnings from plantations by approximately 46 per cent.?

Mr. H. D. EVANS replied:

I thank the member for Blackwood for the notice which he gave me of his intention to ask this question. The answer is—

- (1) Yes, a nominal increase of 7½ per cent. was applied across-the-board, consisting

of 5 per cent. actual increase plus 2½ per cent. to be discounted for prompt payment. Some size classes had additional adjustments to remove previous anomalies.

(2) Answered by (1).

(3) 2.5 per cent.

(4) No.

#### 4. PORT OF BUSSELTON

##### *Waterside Workers: Transfer to Bunbury*

Mr. BLAIKIE to the Minister for Works:

Will the Minister give an assurance that Busselton waterside workers who will be deregistered as a result of the Port of Busselton closure will be able to register with the Port of Bunbury without any loss of benefit or entitlement?

Mr. JAMIESON replied:

This is not a matter which comes within the jurisdiction of my portfolio.

#### 5. ALBANY SENIOR HIGH SCHOOL

##### *Reticulation of Ovals*

Mr. COOK, to the Minister for Water Supplies:

(1) What final plans have been adopted for the reticulation of the ovals at the Albany Senior High School?

(2) What is the estimated cost of the project?

(3) When will tenders be called?

(4) When is it expected that the project will be completed?

Mr. JAMIESON replied:

(1) Plans have been prepared for the reticulation of the whole of the oval recreation area fronting Middleton Road and bounded by Campbell Road and Suffolk Street.

(2) \$9,000.

(3) Tenders have been called.

(4) Approximately six weeks after a tender is let.

#### 6. ENVIRONMENTAL PROTECTION

##### *"Points on Environment"*

Mr. DAVIES (Minister for Environmental Protection): Last Wednesday the Leader of the Opposition asked me whether I had any further information on the printing and distribution of the pamphlet *Points on Environment*, in which he received a famous or infamous mention.

I contacted Dr. Pottinger, the Secretary of Environment 2000, to which organisation the pamphlet had been attributed. However, despite much effort on her part and on the part of other officers of Environment 2000, the authors of the pamphlet have not been located. Environment 2000 sincerely apologises for any embarrassment which has been caused, although it denies any responsibility for the publication.

#### 7. AGRICULTURE PROTECTION BOARD BUILDING

##### *Invitations to Opening*

Sir CHARLES COURT, to the Minister for Agriculture:

The Minister for Agriculture was good enough to answer my question arising from a question I asked last Thursday. However, there was an interruption in the proceedings and I do not think he quite heard my comment. I asked him was I to understand from the list he quoted that the former Minister for Agriculture had not been invited to the opening although he had initiated the project.

Mr. H. D. EVANS replied:

The former Minister for Agriculture was not included in the list of invitees. I personally regret that.

#### 8. AGRICULTURE PROTECTION BOARD BUILDING

##### *Invitations to Opening*

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

I would like to ask a further question about the opening of the Agriculture Protection Board building. Did any members of Parliament, other than the Minister, receive an invitation and actually attend the opening? My understanding is that some members received invitations and attended the opening.

Mr. H. D. EVANS replied:

Mr. James McMillan Brown, Executive Officer of the Country Shire Councils' Association of Western Australia, received an invitation and attended in that capacity.

Mr. W. G. YOUNG: Was he the only member of Parliament to receive an invitation?

Mr. H. D. EVANS: Yes. I will supply the honourable member with a list of those invited if he so desires.

## COMMONWEALTH CONSTITUTION CONVENTION

### *Appointment of Delegates: Motion*

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [5.04 p.m.]: I move—

#### The Schedule

Whereas it has been proposed that a Convention comprising delegates appointed respectively by each Parliament within the Commonwealth of Australia should be constituted to review the operation of the Constitution of the Commonwealth of Australia and to propose such amendments to that Constitution as the Convention thinks fit;

And whereas it is desirable that the Legislative Assembly of the Parliament of Western Australia should by resolution declare its will on the proposal to constitute the Convention and make such decisions consequent thereupon as may seem appropriate:

Now therefore the Legislative Assembly doth resolve and declare its readiness to participate in the proposed Convention, and further resolves:

#### 1. That for the purposes of the proposed Convention—

- (a) a delegation consisting of twelve members of the Parliament of Western Australia should be appointed, of whom seven shall be appointed by the Legislative Assembly, and five by the Legislative Council;
- (b) the seven members appointed by the Legislative Assembly shall comprise four members from the Australian Labor Party, two members from the Liberal Party and one member from the Country Party; and
- (c) the five members appointed by the Legislative Council shall comprise two members from the Australian Labor Party, two members from the Liberal Party and one member from the Country Party;

2. That each appointed member of the delegation shall continue as an appointed member while a member of the Parliament of Western Australia or until the House of Parliament by which he has been appointed otherwise determines;

#### 3. That the seven members appointed by the Legislative Assembly shall be—

The Hon. J. T. Tonkin  
The Hon. H. E. Graham  
The Hon. T. D. Evans  
The Hon. C. J. Jamieson  
The Hon. Sir Charles Court  
The Hon. D. H. O'Neil  
Mr. W. A. Manning;

#### 4. That the Hon. J. T. Tonkin be Leader of the delegation, and the Hon. Sir Charles Court be Deputy-Leader;

5. That where, because of illness or other cause, a member is unable to attend a meeting of the proposed Convention the leader of the party from which that member is drawn may appoint an alternate member, and the member so appointed shall be a member of the delegation for that meeting.

6. That the Leader, from time to time, make a report to the Legislative Council and the Legislative Assembly respectively of such information and matters arising out of the proposed Convention as he thinks fit, and such report shall be laid on the Table of each House of Parliament.

7. That the Honourable the Attorney-General provide such assistance to the delegation as it may require.

8. That the Leader and Deputy Leader of the delegation, or their respective nominees, be appointed to represent the delegation on the Convention's Steering Committee.

9. That the Legislative Council be invited to resolve and declare its readiness to participate in the proposed Convention on the basis outlined in the foregoing resolutions and to appoint five members of the delegation as provided therein.

10. That the Honourable the Premier inform the Government of each other State of the Commonwealth, and of the Commonwealth of this resolution.

Mr. J. T. TONKIN (Premier): I second the motion.

Mr. T. D. EVANS: Members are aware of the proposal emanating from the Victorian Parliament in December of last year for a convention of the States to consider the question of amendments to the Commonwealth Constitution. It is significant to recall that this proposal was conveyed by letter from Sir Henry Bolte to the Premiers of each of the other States. The

proposal was embodied in resolutions adopted without dissent by both Houses of the Victorian Parliament. At that time the State Premiers agreed that the respective State Governments would be represented at a steering committee meeting which was planned to be held in Melbourne on the 25th February of this year. Since then the proposal has been the subject of discussions with and correspondence between the Premier of Victoria (Sir Henry Bolte) and the Attorney-General (Sir George Reid) and Government and Opposition leaders in all States.

The terms of the motion now before this Chamber are in similar terms to the resolutions which have been carried by the Victorian and New South Wales Parliaments. Meetings of the Attorneys-General of the six States of Australia have been held, the first meeting being at Melbourne, as I mentioned, on the 25th February, to consider the establishment of the proposed convention. As a result of these meetings, recommendations—and I emphasise recommendations and recommendations only—were made to the respective State Governments that the delegations from the States should consist of influential members of Parliament who would be representative of all parties and indeed, as far as possible, representative of all shades of political thought within the particular Parliament.

It was further recommended that the delegations should consist of not more than 12 members and that the Commonwealth Parliament be invited to express its views as to whether it should participate in the convention; and if so, on what terms.

Since the proposal was mooted, a significant decision was made by all parties represented in the Commonwealth Parliament. They agreed that the Commonwealth should, and indeed would, participate. Consequently, at the last meeting of the Attorneys-General which was held in Queensland on the 12th July last, the Commonwealth was represented at a steering committee meeting of the State Attorneys-General by the Commonwealth Attorney-General (Senator Greenwood).

Satisfactory progress has been made regarding arrangements for the first meeting of the convention which is proposed to be held at Albury early in 1973. I shall come back to that point a little later.

Victoria, as the initiating State, has accepted the major responsibility of setting up the secretariat necessary for the successful functioning of the convention. The Commonwealth and the States will contribute to the cost of maintaining the secretariat, and for conducting and holding the convention.

There is no need to remind members of the importance of the motion now before the House. Whilst there may possibly be

some divergence of views between members on the matters which will be discussed at the convention, I am sure there will be general acceptance of the need to hold such a meeting. I shall refer to this point at a later stage.

The end results will, without doubt, have far-reaching and beneficial effects on the future of Australia as a federation, and indeed, for Australia as a nation. It must be assumed that the Commonwealth Government's, and indeed, the Commonwealth Parliament's decision, to participate in the proceedings, is a very earnest indication of the Commonwealth Parliament's opinion of the need to review the Constitution which has stood now for some 70 years.

We must be quite candid and admit that the project is not likely to be a short-term one, and to succeed we require an understanding of the views of a diversity of interests. The final results, however, must reflect the opinion of the convention in proposals acceptable to all or at least a majority of delegates.

Any proposed changes recommended by the convention will have to be placed before the people of Australia in the ultimate, so that we must aim at the greatest possible degree of unanimity. With this end in view, it has been recommended by the Attorneys-General that equal representation should be made available to Government and Opposition members as far as possible, having regard for the earlier recommendation that the representative delegates should be chosen to reflect all political shades within a particular Parliament.

Membership of delegations, pursuant to the earlier recommendation, is to be limited to parliamentarians. The question of the inclusion of other sections of the community was exhaustively examined and debated by the Attorneys-General who were ultimately of the firm opinion that the admittance of other persons as delegates with full voting rights would lead to some difficulties.

I assume that the State of New South Wales may have been aware of at least anticipated representation from the new State movement. New South Wales probably felt that the inclusion of delegates who were not members of Parliament would make it difficult to counter moves from those interested in forming new States. I add, in passing, that in Western Australia we have had no representation from the Hutt River Province.

Sir Charles Court: From your earlier remarks I did not quite gather whether or not the steering committee is in favour of such people attending?

Mr. T. D. EVANS: I will come to that later.

It is considered essential that the number of delegates should be kept to a manageable size and this would seem to be impossible if any enlargement of representation were granted. The Attorneys-General recommended 12 delegates from each State, and at the last meeting held in Queensland, the Commonwealth indicated, through its Attorney-General (Senator Greenwood), that the Commonwealth Parliament would be satisfied with a representation of 15 delegates. This was very acceptable to the State Attorneys-General and, on reflection, members will agree that this is a most reasonable attitude on the part of the Commonwealth, having regard for the need to reflect the various shades of political thought. However, consideration is being given to the possibility of granting observer status to some organisations, and the local government authorities throughout Australia readily spring to mind in this context.

Again, organisations such as chambers of manufacturers and commerce, and trade unions, may also consider that there are matters which they should put before the convention. Such matters could be put forward through the avenue of the representatives appointed by the various Parliaments, which are responsible for the well-being of all members of their respective communities.

I come now to the point that it is proposed, if this House adopts this resolution and a similar resolution is adopted in the other House, that two of the delegates thus appointed will meet with two delegates from each of the other States, together with four delegates from the Commonwealth Parliament, at an initial meeting to be held in Adelaide on the 5th and 6th October next. At this meeting several questions will be determined by those delegates.

The steering committee which was previously constituted by the Attorneys-General has, it is felt, exhausted its efforts in providing certain guidelines upon which and between which the Constitution Convention can be launched, and any further decisions required to be made should be made by representatives of the delegations which will meet to form the convention early next year. The matter of granting observer status will be one of the questions the proposed special meeting of delegates will be called upon to determine in Adelaide on the 5th and 6th October next.

I think it is reasonable to say that no explanation seems to be necessary regarding the terms of this motion. In the motion due recognition has been given to the Liberal Party and the Country Party. Provision has been made for the leader and deputy leader of the delegation to represent the delegation on the steering committee. The resolution seeks approval of this House to nominate the Premier as

the leader of the delegation and the Leader of the Opposition in this Chamber as deputy leader.

It is opportune, however, to offer some comment on the broader aspects of the proposal to review the Commonwealth Constitution. The idea of only a Federal system of government has been the subject of frequent discussion and many articles. However, it is apparent that no one Government appears to be able satisfactorily to make laws and give decisions in the interests of all the people of the entire Australian continent. The vast area, differences of climate, and scattered population of Australia makes essential the preservation of the States as self-governing units. The development of Australia will make it difficult for a central Government to give adequate attention to domestic matters whilst at the same time fulfilling its proper role in national and international matters. Government on a local level can be more responsive and can provide a better service to the immediate community.

If we look back in retrospect we find that the founders of our Constitution—which has stood now for some 70 years—would not have thought possible the progress that has been made over the years. That progress has seen Australia develop as a powerful and well-respected nation. The Constitution, whilst it has served Australia well, stands in need of review.

We feel—and when I say “we” I am speaking now with some humility as a member of the steering committee of those Attorneys-General who met to offer these guidelines—that it is appropriate that this convention is to be held subsequent to the adoption of the Constitution; we feel it is propitious, timely, and essential.

The great majority of essential services and the supervision of most aspects of every-day living are the responsibility of State Governments, which are required to operate under considerable difficulties occasioned by inadequate financial resources. No independent authority should be required to depend on the decision of a Federal Government in the matter of finance required for State services. This imbalance can be corrected only by a review of the financial provisions of the Constitution which enable the Commonwealth Government to play a dominant role in the field of finance. The climate is ready for a review of the system in order to provide the States with the means to obtain revenue from sources now regarded as the preserve of the Commonwealth.

No review of the Constitution will produce a satisfactory solution without examining the effect of judicial interpretation of the Constitution. The overall result has been to place the States in subordinate positions, and certainly was not visualised when the Constitution was

formulated. Although the position appears to have been resolved without recourse to the courts, members will be aware of the problems arising from the matter of defining State boundaries offshore.

Decisions of the High Court are an important factor in determining the division of responsibilities between the Commonwealth and the States. Recent decisions concerning the law in Commonwealth places emphasised the important part played by the High Court of Australia in interpreting the Commonwealth Constitution. In the matters of *Worthing versus Rowell and Murcon*—to be found in Vol. 123 of the *Commonwealth Law Reports* at page 89—*The Queen versus Phillips*—to be found in Vol. 44 of the *Australian Law Journal* at page 497—and *Stock & Holdings Pty. Ltd.*—to be found in Vol. 45 of the *Australian Law Journal*—the Court decided that once the Commonwealth has acquired a place for Commonwealth purposes no State law, whether enacted before or after the acquisition, applied to that place, regardless of whether or not the law was specifically aimed at the Commonwealth place.

In 1970 our State Parliament took action in this matter by way of complementary legislation, the other States and the Commonwealth also participating. The situation arose that a person in Western Australia could have selected a place which had been acquired by the Commonwealth as a Commonwealth place and sought to establish a practice illegal by Western Australian Statute, but not prescribed as an offence pursuant to Commonwealth law. Such a person could have indulged in that practice in that Commonwealth place with immunity from interruption by any law-enforcement officer—firstly, because a Western Australian law-enforcement officer would be powerless to act; and, secondly, because the practice would not be an offence pursuant to Commonwealth law. However, to some extent that matter has been satisfactorily resolved by the States and the Commonwealth adopting mirror legislation.

To emphasise the need for a review of the Constitution, I would finally draw members' attention to the decision in the *Hamersley Iron* case of 1969, reported in Vol. 120 of the *Commonwealth Law Reports* at page 42; and the associated cases of *Chamberlain Industries*, to be found in Vol. 121 of the *Commonwealth Law Reports* at page 1, wherein the State Commissioner of Taxation in Western Australia was challenged regarding his ability and legal capacity to levy stamp duty in certain respects. In those cases the High Court decided that the tax market is reserved for the Commonwealth, and that the States cannot impose a tax which, in its practical application, is a tax on goods. The rationale of the High Court decisions

was that such a tax was an excise duty, and pursuant to section 90 of the Constitution an excise duty is one which is within the exclusive jurisdiction of the Commonwealth Parliament.

Another matter which requires consideration is the use of Commonwealth powers under section 96 of the Constitution to impose conditions on some grants to the States. This must surely destroy the initiative and, indeed, the autonomy of the States.

Surely no reference is necessary to the problems created by section 92 of the Constitution. Our forefathers certainly would not have envisaged the technological advances in fields of transport and communication, and the growth and complexities of interstate trade with consequent problems of legislative power formulated in 1900. I think it is true to say that the decisions of the High Court and the Privy Council have not assisted in making this provision work in the best interests of the States and, indeed, of the Commonwealth.

These matters have not been raised—and I emphasise this—as a criticism of the present attitude of the Commonwealth towards the States, but rather as an endeavour to show that in the years since the Constitution was formulated the climate has changed sufficiently to warrant a review. It is hoped that as a result of the deliberations at the conference a clear case will be built up to put to the electors to enable amendments to be made to the Constitution which will provide the States with a greater degree of autonomy and financial independence so that particular local needs can be satisfied by the appropriate Governments.

The day when six equal partners in the federation are constantly faced with a shortage of ready funds, whilst the seventh member has plenty of funds, cannot be allowed to continue. It is encouraging that the Commonwealth, by its willingness to participate, appears to recognise the difficulties of the States. This augurs well for the success of the convention.

I feel that only good can come from the convention, wherein it will be clearly recognised that the Constitution is one for a federation consisting of seven Governments, each Government having clear areas of responsibility; and wherein may be found the dignity of each of the seven Governments so that each may function, according to its charge under the Constitution, as efficiently as possible.

**SIR CHARLES COURT** (Nedlands—Leader of the Opposition) [5.30 p.m.]: On behalf of the Opposition I advise that we support the motion which has been the subject of some discussion between the parties in this Parliament, and it is an issue on which we are all joining together

because of its vital importance to Western Australia and to the very institution to which we belong. I believe that a review is opportune. The Constitution has been in operation now for some 70-odd years, as was explained by the Attorney-General, and it is natural that whilst some things are basic and will never need to be changed as they are vital to our way of life, there are other matters of detail which will require periodic review.

This has been evidenced by the fact that a number of amendments have been agreed to through referendums from time to time, but I must admit that they were agreed to with considerable reluctance on the part of the community. Nevertheless it is generally acknowledged that from time to time some of the detail of the Constitution will be found wanting, and I think it is our duty to keep it under review. Amendments have proved to be difficult in the past, and I do not think that is a bad feature. We know the general reaction of the public when a referendum is held, even when all parties are in support of it. I am not quite certain, but I think it is a fact that no referendum has been successful unless all the parties were 100 per cent. behind it. There have been occasions when both sides of the House have been in favour of a question to be decided by a referendum, but still it was not passed by the people. I do not think that is a bad feature either.

There is also a certain amount of public reluctance to concede further powers to the Commonwealth. This is not a bad thing, because it shows a natural conservatism on the part of the people of Australia when they are faced with fundamental issues, and they do not lightly give up some of the responsibilities, the privileges, and the rights they have. Therefore, whenever any doubt arose it seemed to be the unwritten law in the minds of the people of Australia to say "No" to Canberra when it wanted some additional powers.

I believe it is desirable for these conventions to be initiated by the States, as is the case in this instance. Victoria was the motivator, but it was quickly joined by the other States; so, we had a situation where all the States were prepared to join together to discuss this matter with or without the Commonwealth. Some people have questioned whether it is the right and duty of the States to convene such a convention. I believe they have an undisputed right, because the Commonwealth has received its powers as ceded powers, and not as sovereign powers such as those possessed by the States. It made good sense for the States to get together to work out a Constitution, so that we could have a federation; therefore it is not a bad thing that when a major review of the Constitution is due the States should initiate it.

As has been explained, it is a fact that the Commonwealth will join in this convention. The convention would be a farce if it did not have representatives from both sides—the Commonwealth and the States. We also understand that if the convention comes up with desirable amendments to the Constitution, it will be the Commonwealth which will have to set the constitutional machinery in motion for the amendments to be effected through a referendum. Nevertheless we fully realise, and I think the people should be reminded of this, that the Commonwealth did receive its powers as ceded powers from the States—the States having the original sovereign powers.

The other point on which I want to make comment is the fact that we are going to this convention as a Parliament. It would have been a very bad start had we gone along as separate parties from the A.L.P., the Liberal Party, and the Country Party, and not as a co-ordinated body. However, this arrangement does not commit any party to accept some recommendation which is contrary to its philosophies. At least we are going along as a Parliament representing the State; therefore we will be able to approach these matters with a maximum degree of co-operation and agreement—clearly identifying any points on which we cannot for party political reasons agree. I hope those areas will be comparatively few in number because it is an interesting phenomenon in Australian political life that although the Federal body of the A.L.P. is basically a party which is committed to a centralist approach, the State A.L.P. when in Government has shown a rugged State-righter approach, as has been evidenced in recent days in the offshore oil question and other matters connected with offshore sovereignty.

I am confident we will be able to go forward with quite a few items which are in the interest of the State, both in the short-term and in the long-term, and with some degree of unanimity. The Opposition has discussed this matter with the Premier and placed before him a number of items on which we feel discussion should take place. The Minister has touched on some of these, but I think it is appropriate to mention them in passing, because we expect they are matters which the States will want to thrash out with the Commonwealth in the light of our experience, and experience related partly to financial matters and partly to facility of administration.

I sincerely hope that out of this exercise we will be able to come up with something which is acceptable to the States and to the Commonwealth, and so overcome some of the borderline situations which exist at the moment. For instance, it was a blow to the States' financial arrangements—this applied not only to Western Australia—when the Hamersley case was upheld, because it was hoped that we had found a



way and a means to generate a growth income which is so vital to a State, without having to go cap in hand every year to the Commonwealth. The States' powers to collect so-called "excise", concurrently with the Commonwealth, is an important issue that will be the subject of some rather strenuous debate. I can see the Commonwealth putting forward strong views; nevertheless we as States will have equally strong views. I hope we will be able to agree in our presentation of this issue relating to section 90 of the Constitution.

Then we have the vexed question of interstate road transport. The States have been forced into a number of very difficult administrative situations, and contentious litigation has resulted for some years. The litigation which arose between State Governments and transport hauliers operating on interstate routes was not a very pleasant spectacle; furthermore it was costly and frustrating. The industry did not know where it was going, and neither did the States know where they were going. Eventually they had to work out a clumsy system to overcome the difficulties.

I hope this is one of the issues which we can thrash out under section 92 without weakening the Constitution, because some aspects of section 92 are very important if we are to preserve the true concept of federation.

Then there is the question of sharing the income tax revenue, with adequate safeguards for the less populated States. We have a difficult situation in which States like Victoria on a *per capita* basis could raise much more revenue from this source. It would be much easier for those States to levy their own income tax than it is for a State like Western Australia; and furthermore it would be detrimental to States like South Australia, Queensland, and Western Australia. New South Wales with its large population and greater sophistication might be able to match Victoria or even to beat it in this regard.

In any arrangement we make we should ensure that not only will this State be given access to growth income in its own right, but at the same time we do not leave ourselves in the position where the less populous States with great development programmes, such as Western Australia, are not heavily penalised and disadvantaged.

Yet another issue is this question of contributions through the States to specific development areas. Under the present arrangement there is a very serious doubt constitutionally about such matters as zone allowances. I believe the time has come to iron them out. Now that we are seeing the continent beginning to develop, and to disgorge its resources, especially in the very remote areas, a different and a more realistic approach will have to be adopted. It should be written

into the Constitution so that development could be undertaken without fear of any litigation which could upset the whole of the special area assistance scheme or zone allowance system, as the case may be.

The Attorney-General touched on a number of matters which are nonfinancial issues, and have to be tidied up. The Worthing case relates to one such issue. A country or a State cannot be run properly unless matters such as these are clarified, so that the Commonwealth, the State, and the community know where they stand. I was glad the Minister mentioned this aspect, together with the question of offshore sovereignty, because we cannot continue as we are doing, in view of the uncertainty that exists nationally and internationally.

I believe that in the past the State Governments have followed the right course in insisting that matters such as these be resolved by negotiation, instead of being forced down the throats of the States by having to negotiate while they were virtually looking down the barrel of a rifle, through having a piece of Commonwealth legislation introduced that has to be challenged in the High Court. This type of thing can best be sorted out if we meet as a convention between the States and the Commonwealth, and if we go along as a group of parliamentarians from each of the States.

The Minister made reference to local government. I was glad he touched on this question as well as on the question of observers at the convention. It is a nicety of judgment as to how many people may attend a convention and still ensure it is meaningful. By having too great a representation sometimes we find so many people pushing their own wheelbarrows around that after two or three days of argument, they forget the purpose for which they have been brought together and fail to concentrate on the great national issues involved.

One cannot deny that local government will play an ever-increasing role in our State. I suppose this applies in all the States, but I can see that in Western Australia local government will have to accept tremendous responsibilities as we have more developments in some of the remoter areas where the dimension and the complexity of development are greater, as are the demands for local services. An entirely new approach will have to be adopted; and not only the financial structure, but the whole anatomy of local government will have to undergo a very serious change in the next generation.

Mr. Brady: Not only the local authorities in remote areas, but some of those in the metropolitan area are in difficulties.

Sir CHARLES COURT: That is correct. This is as a result of demands made on them for facilities which they cannot provide within their present range of income.

It is more than a question of income, because many demands being made extend into the area of expertise which they cannot be expected to have on their present income. We on this side of the House are conscious of the fact this is not an easy matter to resolve.

I appreciate the courtesy of the Premier in inviting me to be the deputy leader of the group from Western Australia. When we go to a convention of this kind we expect difficulties. When we go to Canberra we find a conflict of opinion within Canberra itself; or a conflict of opinion between Canberra and the States; or a conflict of opinion between the Federal branches and the State branches of parties. I believe that we can iron these matters out more effectively by meeting as a convention than by the present cumbersome and unpredictable machinery.

At present it is very difficult to sit down and to look at the total picture rather than isolated instances in a considered manner. I know that we on this side have found when some of our members are elected to go to Canberra, some of them instead of being great State-righters all of a sudden seem to think there are more brains in Canberra than there are in the States; and I think each State has had the same experience. However, I do not accept this point of view. As an ardent federalist—and I make no bones about saying this—I believe that the only way we can develop Australia, with its great vastness, its diversity of interests, and its resources located over huge areas, is to take the best from both worlds; that is, by local initiative and at the same time co-ordinating at the national level so far as national and international considerations are concerned.

We have no objection to the form of the motion. The Government was good enough to send us a copy for comment. The break-up of the representation is interesting. It was purely on a voluntary basis so far as our party was concerned. I must acknowledge the Government accepted our suggestions that two of the Liberal members should come from the Legislative Council and two from the Legislative Assembly. The Government, for its part, opted for a different division and that was entirely the decision of the Government, as it should be.

Having said that I hope this motion will lead to a conference and convention which will shape the future of the Constitution of Australia for at least another few generations. If the new Constitution serves as well as the last one has, with all its faults, it will do a good job. No matter what people might say about the present Constitution—that it creaks and groans—I think if it is looked at in its proper perspective it will show that the gentlemen who framed it at the turn of

the century were wise men. We have to realise that they could not be sure what was to happen in the future.

The gentlemen who framed the Constitution did a good job in giving us a Constitution within which a new nation could work. It is now our job, without discarding what is good in what has been given to us, to see what we can introduce to make it work better. I support the motion.

**MR. W. A. MANNING** (Narrogin) [5.47 p.m.]: I wish to say a few words on this motion and at the outset I say I am honoured to be included as one of those who will represent this Legislative Assembly and, particularly, the Country Party in this House. It is my intention to represent the State thoroughly.

When the States gave birth to the child which they called the Federal Parliament, early in the century, they certainly gave birth to a healthy child. It has got healthier as the years have gone by until, at the age of three score years and ten, the rules set down for the child when it was born are now hardly suitable.

**Mr. Davies:** Was not Western Australia reluctant to accept the child?

**Mr. Hartrey:** Very reluctant.

**Mr. W. A. MANNING:** That is quite right. It will be recalled that a few years ago I spoke on secession and although I was not thoroughly convinced at the time there was a lot of merit in the suggestion. I am now convinced that we are united as one Australia. We have to sort out the rules and regulations—as we might call them—which have been set up under the Constitution so that we can live together and build something worth while within our Commonwealth. We face a gigantic problem, and I would say that the convention which will deal with the matter will also be gigantic. The convention will comprise 78 members, and that is a great number of people when their ideas have to be put together.

I read the verbatim report of the first meeting of the Attorneys-General when they set up the basis for the convention, and when I saw the number of words which had been spoken by those few Attorneys-General I was convinced that the discussion at the convention itself would be very difficult. I hope that will not be the case. It is quite conceivable that this could be a long drawn-out affair but, in my opinion, it will lose its effect if that is so. Members will have to learn to curtail their words to some extent, otherwise we will never have any worth-while recommendations.

We have to face the fact that any recommendations will have to be fairly unanimous, otherwise they will not receive the support of the people of Australia. When I say it will be a gigantic task, I mean just that. The convention

will have to arrive at decisions which will bring about a harmonious relationship between the States and the Commonwealth. The situation today is that there is arguing and bickering between the States and the Commonwealth, and we will never prosper while that continues. The solution is to find a satisfactory method whereby the States play a major role in the affairs of the Commonwealth. The relationship between the people of the States, and between the States and the Commonwealth, will have to be harmonious so that the country can prosper.

I do not intend to say very much on this motion. As a matter of fact, I wonder whether I am worthy of saying anything because when looking at the names of the delegates I find that mine is the only one without the prefix, "Honourable." I hope this does not mean that I am dishonourable! Certainly, it is an indication that I will not have the majestic title of my companions when we pursue a change in the Constitution. I support the motion.

Sir Charles Court: That may be to your advantage.

**MR. T. D. EVANS** (Kalgoorlie—Attorney-General) [5.50 p.m.]: I would like to thank the Leader of the Opposition for his ready support and, indeed, for his co-operation in facilitating what appears to be the conclusion of the debate to allow a determination to be made in this Chamber this evening. I thank the member for Narrogin for his contribution and I anticipate we will have an enjoyable time working together as members of the committee in the interests of Western Australia, primarily, and in the interests of Australia as a whole.

I would like to mention that subsequent to the first meeting of Attorneys-General, held in Melbourne on the 25th February last, it was determined that each Attorney-General would return to his State and there cast his nets far and wide to seek the views of the various political parties and other interested bodies and persons throughout the State to provide pegs on which ideas could be hung for a possible effective acceptable review of the Constitution.

In accordance with this recommendation, on my return to Western Australia, letters were written to various bodies and those views were sought and obtained. It is the intention of the Government—these having now been processed—to have the views printed and made available for the use of the delegates from Western Australia. The views are fairly representative of a wide cross section of the community in Western Australia.

The first meeting of the Constitution Convention will be held next year and we must not forget that this will be a long-

term exercise. I thank all members and now trust that the motion will be carried by the House.

Question put and passed.

#### *Request for Council's Participation*

**MR. T. D. EVANS** (Kalgoorlie—Attorney-General) [5.52 p.m.]: I move—

That the following Message be forwarded to the Legislative Council:—

The Legislative Assembly having this day agreed to certain resolutions concerning the Parliament of this State joining with other Parliaments of the Commonwealth in a convention to review the operation of the Constitution of the Commonwealth of Australia, transmits a copy of the resolutions for the information of the Legislative Council. The Legislative Assembly requests that the Legislative Council will consider its participation in the proposed convention and appoint Members in accordance with the resolutions to act with the seven (7) Members of this House who have been so appointed.

Question put and passed.

#### **BILLS (2): THIRD READING.**

1. Alumina Refinery Agreement Act Amendment Bill.
2. Alumina Refinery (Pinjarra) Agreement Act Amendment Bill.

Bills read a third time, on motions by Mr. J. T. Tonkin (Premier), and transmitted to the Council.

#### **PUBLIC AND BANK HOLIDAYS BILL**

##### *Third Reading*

**MR. TAYLOR** (Cockburn—Minister for Labour) [5.54 p.m.]: I move—

That the Bill be now read a third time.

Because of some guarantees given during the course of the debate on this Bill I would like to take up the time of the House for a few moments before the question is put.

It may be recalled that during the debate on this measure exception was taken to clause 7, in the first instance, and subsequently the member for Narrogin asked for my views in regard to amendments to clauses 7 (2) and 8 (2) on page 3 of the Bill. I have looked at the matters raised and I would now like to make some comments pertinent to his requests, and then invite the member for Narrogin to comment further regarding them.

The Bill requests that at least one week's notice be given—as published in the *Government Gazette*—before a special day

specified by proclamation is to be disallowed. This applies particularly to Show Days and similar holidays when they occur in a country centre or in the north-west. The request by the member for Narrogin that the time be extended to longer than seven days did appear reasonable and I undertook to look at his suggestion. I am advised that the reason for the period of seven days which, incidentally, follows a former Act, is that in actual fact the giving of seven days' notice in the *Government Gazette* requires anything from four to seven weeks' prior notice of a disallowance or a cancellation of a particular holiday. A local authority or a chamber of commerce which decided that a particular holiday would clash with other arrangements, and should be changed, would then approach the appropriate Minister who would have to decide whether the holiday could be changed to another day or cancelled. The matter would then have to go to the Parliamentary Draftsman, or some other section, to be put into the appropriate form. There would be a maximum period of two weeks before it received the Governor's assent, and it would then have to go to the Government Printer to be included in the *Government Gazette*.

So, if it was the desire of a local authority to change the date of a local gymkhana or a local show, the organisers would have to make up their minds some five to seven weeks beforehand. If the words in the Bill were changed from one week to 21 days all that would do would be to extend by two weeks the time which a local organisation would have to cancel or change the date of the holiday.

There would not be enough time to make a change three weeks before the event and the Minister of the day would have no alternative but to point out that it was too late and that the local authority would have to go ahead with the original date. The requirements of the Act could not be carried out in that time.

The Government wants to do what is desirable under the circumstances, and I think only the member for Narrogin and those associated with country areas would know whether the seven days' or 21 days' notice will serve to best advantage those organisations in country centres and the north-west which may wish to change or cancel a certain public holiday in special circumstances.

Before inviting the member for Narrogin to comment, I would like to make one other point concerning the proposed amendment to delete clause 7. I mentioned that I understood the South Australian Act allowed the Governor of that State to do what is proposed under clause 7. I have since had this matter checked and I understand that Queensland, New South

Wales, and Tasmania also have this provision. Therefore, four of the remaining five States of Australia have this very clause, so all we will be doing is joining a majority.

**MR. W. A. MANNING** (Narrogin) [6.01 p.m.]: I would like to thank the Minister for giving attention to this point and for his courtesy in the matter. I have had a talk with him and I am pleased he has made the suggestion that the period be 21 days. I think the period that is required by the committee or whatever organisation it is that is promoting this holiday idea matters little. The committee will no doubt have made its plans long beforehand and another week or two will make no difference to it; but it makes a tremendous difference to people in country areas. If the notice were only seven days from the date of publication in the *Government Gazette* to the date of the holiday, people in country areas would have little opportunity to know of the holiday. They could therefore travel 100 or 120 miles and find banks, offices, and shops closed.

The suggestion made by the Minister overcomes the difficulty in the best possible way. I support the suggestion that the period be 21 days and thank the Minister for agreeing to the idea. I hope this Bill will go forward to another place with an appropriate amendment so that the suggestion can be implemented.

**MR. TAYLOR** (Cockburn—Minister for Labour) [6.02 p.m.]: I give the undertaking that when the measure goes before another place the Government will move to amend the wording accordingly.

Question put and passed.

Bill read a third time and transmitted to the Council.

## INTERPRETATION ACT AMENDMENT BILL

### Third Reading

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

## FACTORIES AND SHOPS ACT AMENDMENT BILL

### Third Reading

**MR. TAYLOR** (Cockburn—Minister for Labour) [6.03 p.m.]: I move—

That the Bill be now read a third time.

During the debate on this Bill the Deputy Leader of the Opposition expressed some doubts regarding the interpretation of clause 4. I undertook to examine the situation. The doubts related to the examination requirements for certain inspectors within the Department of Labour. I had the suggested amendments examined.

I repeat that it is considered the present wording of the Act already implies and guarantees that those to be appointed will be required to have qualifications as high as or higher than those of the basic examination. The wording is "that necessarily implies a training and experience relevant for the purposes of carrying out the duties of an inspector." The words "necessarily implies" are considered by the Crown Law Department to be strong words; that is, they are capable of very limited interpretation. They carry the meaning desired by the Deputy Leader of the Opposition.

I give my assurance that this is the intention of the amendment. This is the way it is drafted and it is believed this will be the interpretation put on it in all circumstances if it is challenged. I ask him to accept my explanation and forgo his suggested amendment.

**MR. O'NEIL** (East Melville—Deputy Leader of the Opposition) [6.05 p.m.]: I thank the Minister for investigating the subject of my amendment. I accept his assurance, on the word of the Crown Law Department, that the words mean exactly what I wanted them to mean. I wanted to make sure that people who were recruited into the department to undertake the duties of inspectors were not less qualified than those officers already in the department who could do the job. I accept the Minister's assurance that this is the case and have no further objection to the Bill.

Question put and passed.

Bill read a third time and transmitted to the Council.

## LAND DRAINAGE ACT AMENDMENT BILL

### *In Committee*

Resumed from the 10th August. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Jamieson (Minister for Works) in charge of the Bill.

The **CHAIRMAN**: Progress was reported after clause 1 had been agreed to.

Clause 2: Amendment to section 60—

**Mr. MENSAROS**: When he explained this clause the Minister said the interpretation was that a certificate had to be obtained under all circumstances but no engineer would give such a certificate because it is not practical. An unusual flood or something like that could occur and, engineers being practical fellows, no engineer would certify that under all circumstances the construction would be safe. At that time I was of the opinion that what the Minister said was correct but, having further studied the wording of the part of the section which it is proposed to delete,

and having spoken to at least three engineers, I came to the conclusion that the Minister might be persuaded to have second thoughts on this matter.

If we look at subsection (2) (c) of section 60, which it is proposed to delete, we see that the main word in it is "reasonably." The paragraph says that the certificate must be obtained if the engineer "is satisfied that the proposed works will be of sufficient capacity to carry off all waters which may reasonably be expected then or at any future time to flow into such works from the catchment area which will be served thereby, and that a reasonably sufficient outlet to the sea has been provided."

Apart from the fact that I think any engineer could testify or certify that under reasonable conditions the dam is proposed to be constructed properly, if he were not happy with it he could qualify his certificate. This would still satisfy the requirements of the Act as it now stands. For instance, the engineer could say, "Considering the 50 years' recurring flood cycle I think this is proposed to be constructed properly." We have statistics going back for a certain period and the engineer could qualify his certificate in that manner.

Representatives of the Institution of Engineers told me they queried the Minister's statement that no engineer would give such a certificate. If what I am saying is correct—and I believe it is—why should this part of the section be deleted just for the convenience of the department or the advisers of the Minister? Perhaps some internal engineers were not happy with it.

**Mr. Jamieson**: You want us to get a private engineer from outside to certify it, but he could go away and the Government would be left holding the can. That is your usual performance.

**Mr. Thompson**: Be reasonable!

**Mr. Jamieson**: That is being reasonable. If the member for Floreat had been ethical, he would not have been so interested in going to those people as he did. I will get the department to check that.

**Mr. MENSAROS**: What the Minister says contradicts his proposal to change the section.

**Mr. Jamieson**: It does not. I am interpreting it that way. I cannot state what is on your mind.

**Mr. MENSAROS**: If the Minister is patient, I will tell him what is on my mind.

The **CHAIRMAN**: Order!

**Mr. MENSAROS**: The Minister just said a private engineer would not be in a position to give the certificate because he might go away. On the other hand, he suggested no certification should be given.

**Mr. Jamieson**: I did not say that.

Mr. MENSAROS: That is proposed in the Bill.

Mr. Jamieson: I did not say what you just said I said. You incorrectly quoted me instead of making up your own mind. You do this too often.

The CHAIRMAN: Order!

Mr. MENSAROS: What did the Minister say?

Mr. Jamieson: You are so good at it; you find out.

Mr. MENSAROS: In my understanding, the Minister said it would be no good going to a private engineer to ask for a certificate because he might go away or disappear. Is that what the Minister said?

Mr. Jamieson: That was more the substance of it than what you said before.

Mr. MENSAROS: If that is so, on the other hand the Minister endeavours with this Bill to have no certificate whatsoever. I simply say that a certificate by a private engineer who might disappear—and I cannot see any reason why a Public Works Department engineer could not disappear in the same way—is better than no certificate whatsoever. I cannot see the Minister's logic. Would the Minister be kind enough to tell us what happens in the other States in regard to this matter? Have they done away with the requirement for certificates?

Mr. Jamieson: There is no such provision in any other legislation in Australia as far as we can ascertain.

Mr. MENSAROS: There was probably a good reason for subsection (2)(c), and I think the reason was that the Government or the Minister should reaffirm that a dam is proposed to be constructed so that it can be reasonably expected to fulfil the purpose for which it was constructed. Therefore, I am not satisfied with the explanation that has been given because it does not correspond with the wording of the Bill. I oppose the relevant part of this clause.

Mr. HUTCHINSON: I want to make a query at this juncture as to whether the Minister will reply.

Mr. Jamieson: I might do that but so many members tried to jump up when the Bill was first brought on that I thought it would be rude of me to take their place.

Mr. HUTCHINSON: If the Minister intends to reply, I would like to wait until he has had something to say.

Mr. Jamieson: I bet you would!

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

Mr. JAMIESON: Having checked the contents of clause 2 as I said I would, I find the position to be as I indicated in my second reading speech. Accordingly I see no reason to alter the attitude I took and

the comments I made at that time. There is adequate safeguard in the law of the land as it stands now to protect the interests of the people affected.

Mr. THOMPSON: The only part of this clause which appears to be contentious is that which relates to the word "reasonable." I support the remarks made by the member for Floreat. His submission was quite valid and accordingly I move an amendment—

Page 2—Delete paragraph (c).

Mr. I. W. MANNING: I would like to read paragraph (c) of subsection (2) of section 60 of the Land Drainage Act. It reads as follows and states that the board shall—

- (c) obtain from the Engineer-in-Chief or officer deputed by him a certificate that he is satisfied that the proposed works will be of sufficient capacity to carry off all waters which may reasonably be expected then or at any future time to flow into such works from the catchment area which will be served thereby, and that a reasonably sufficient outlet to the sea has been provided.

In the interests of the public surely some certificate should be given which states that the work done is of a sufficient standard. This is required of engineers in every other known activity, particularly as it relates to buildings. Someone must be authorised to give a certificate to say that the construction is of the required standard, and that the department has set out to achieve a certain objective which might be to drain a particular area or to divert a river. This must be done so that the public will be protected. The Minister mentioned a particular instance at Harvey. The diversion of the river there was designed to take the waters in the Harvey and Wokalup areas. Consequently a considerable drainage area was added and the river was used for a purpose far greater than that for which it was designed and, accordingly, this contributed to the flooding.

If this protection is removed from the Act it would considerably reduce the capacity of the landholder whose property is flooded and who is adversely affected successfully to claim for compensation. In this Act we should not in any way limit the opportunity of people to lodge a claim if they feel they are aggrieved.

It would be a great mistake for Parliament to accept an amendment of this nature if no-one is required to issue a certificate that the work is of the required standard. I urge the Committee to oppose the amendment in the Bill which seeks to delete the provision from the parent Act.

Mr. HUTCHINSON: In view of the sketchy remarks the Minister made in regard to the legitimate points we raised

towards the end of last week, I see no course open to the Opposition but to support the amendment moved by the member for Darling Range.

Mr. Jamieson: You said you wanted to research it more.

Mr. HUTCHINSON: That is so.

Mr. Jamieson: Let us hear the result of your research.

Mr. HUTCHINSON: The Minister is difficult to understand.

Mr. Jamieson: He is not; he merely wants to know the result of your research.

Mr. O'Neill: The Minister has difficulty in understanding.

Mr. HUTCHINSON: Nothing the Minister has said indicates he has done any research on the queries we raised on this matter at the end of last week. It would appear the homework he has done has been nil.

Mr. Jamieson: Now you have committed yourself we will show you.

Mr. HUTCHINSON: I would far sooner the Minister said something and allowed me to say what I have to say on a subsequent occasion. For him to make foolish interjections indicates an empty mind. I was trying to speak sensibly on this important little matter, which can be found in the *Hansard* made available to members today.

Mr. Jamieson: You said you wanted to research it. Let us know the result of your research.

Mr. HUTCHINSON: Had the Minister any memory at all he would recall that we asked him to make inquiries on the points we had raised. From what he says he has done no research at all.

After looking at the matter again I feel it is a poor show when members of the Opposition rise to their feet with legitimate queries on a piece of legislation which has been introduced by a Minister and no attempt is made to give us any satisfaction.

We had an example today of one Minister of the Crown—and I refer to the Minister for Labour—making the necessary comments required to members of Parliament at the third reading stage on a different piece of legislation. Whether or not his explanation provided complete satisfaction I do not know, but at least members were satisfied with the explanation he gave.

Mr. Taylor: I should think so.

Mr. HUTCHINSON: It is obvious the members concerned were satisfied because they both stood up and thanked the Minister for the investigations he had made. I said I did not know, because I had done

no research into the matters involved. The Bill removes from the Act an avenue of appeal against the Government.

Mr. Jamieson: No, it does not.

Mr. HUTCHINSON: The Minister should not say such silly things. It removes from the Act the necessity for the engineer-in-chief or an officer to draw up a certificate.

Mr. Jamieson: That's better; now you are talking sense.

Mr. HUTCHINSON: How can anyone reply to stupid interjections like this.

Mr. Jamieson: You said something which is not in the Bill.

Mr. HUTCHINSON: I had already asked the Minister to inquire about the removal of this avenue of appeal. Last week I suggested we should close the loopholes by making subsection (2) (c) of section 60 more commensurate with what is fair and reasonable. Perhaps the wording of subsection (2) (c) does not adequately cover such things as acts of God. Surely the Crown Law Department when studying what we had to say could have arrived at a conclusion and suggested a small amendment or modification which would fit the case in the circumstances.

The part of the Land Drainage Act which is being amended is an important part relating to construction and maintenance of works. It has been carefully drafted and provision is made for the Government to undertake drainage works in a district when certain provisions of the Act are complied with. Before undertaking the construction of these works the Government shall cause to be prepared plans, descriptions, books of reference, and so on relating to the entire description of the works involved and these must be advertised and a certificate obtained from the engineer-in-chief that the proposed works will be of sufficient capacity to carry off all waters connected with those works. If within a period of one month after such publication a petition is presented to the Minister that the works be not carried out the Government shall then not carry out the works mentioned in that part.

It is provided that compensation may be claimed by any person covered by this part of the Act and, of course, compensation plays a very important role. It is not intended that the Government should be lined up by anybody, but at the same time the Opposition does not intend to allow an avenue of appeal to be refused, when no satisfaction has been given us by the Minister.

Accordingly the only alternative we have is to support the amendment before us, which is to delete paragraph (c) of clause 2 of the Bill.

It is quite conceivable that an amendment could have been drafted to accommodate what we are seeking. It is possible

that drains could have been constructed to cater for the catchment area as described in the plan, and subsequently, through some action—maybe by the department—a water divide may have been broken allowing an extra part of another catchment area to come into the original catchment area. If this were done without due regard being had for the ability of the drains to carry this additional water, there would be room for an appeal to be made. Therefore, it is wrong to wipe out this avenue of appeal. If it is not an avenue of appeal—and I ask the Minister to find this out—it eliminates from the requirements this certificate of the engineer that the works may reasonably be expected to carry the water from the catchment area.

So I regret the fact that any heat has entered into this debate which could have been conducted on a much better plane, and the Minister is to be chastised for this.

Mr. THOMPSON: This Bill was introduced to the Chamber on Tuesday of last week, and when I spoke during the second reading debate I pointed out that we had not done much research on the measure. I concluded my speech with these words—

With those few remarks we support the Bill, provided the Minister can demonstrate no reduction will occur in the protection afforded people who suffer damage as a result of drainage works.

Of recent times we have had evidence in this Chamber of a fair amount of co-operation from some Ministers. In fact, we saw evidence of this in the Chamber only this evening, and therefore I would have assumed we would receive the same sort of treatment from the Minister for Works.

However, when a member of the Opposition presented to the Committee the benefit of a research he had conducted, all the Minister for Works was able to do was to make some unfair remark concerning the honourable member, when in my opinion that member has one of the finest brains in this Chamber.

Mr. HUTCHINSON: We have virtually exhausted all that we have to say on this matter by appealing to the Minister for some sort of sensible remark concerning our requirements. Therefore, all I want to say at this juncture is to express my disgust because the Minister for Works is not prepared to look into the matters raised by the Opposition. I advise him that this is one of the responsibilities of a Minister. Not every piece of legislation brought before this Chamber for the purpose of amending a parent Act is necessarily in the right form when introduced, and when legitimate and logical points concerning it are raised by the Opposition, it behoves the Minister in charge of the Bill to refer the matters to his officers; to obtain copies of

the speeches made by members of the Opposition, and to ask his officers to look at them so that they may see the even tenor of the remarks that have been made.

It is an insult to the Opposition that a Minister should carry on in this way. I can understand the Minister being opposed to accepting any amendments put forward, but he must give a reasonable and decent explanation for his opposition. I take him to task on this and I am disappointed to see that a man who used to speak so often whilst he was a member of the Opposition, and who asked Ministers to act in a certain manner, has adopted the attitude he has shown in regard to this Bill.

Mr. MENSAROS: Let us clarify the provisions of section 60. It deals with building a dam, provided that three conditions are observed by the Government; that is, that plans and specifications should be prepared; an advertisement should be published in the *Government Gazette*, and the engineer should issue a certificate stating not that the dam is well situated, but that the proposed works are reasonable.

Builders have to comply with these conditions every day when erecting a simple cottage. There is a designer who designs a plan. An advertisement is not necessarily published in the Press, but in certain cases one is published. The builder goes to the local authority and the building surveyor of that authority has to inspect the plans to ensure that they are in accordance with the by-laws and are reasonable for the construction. What the Minister wants to do now is to take away this last step.

In other words, we will be able to construct a cottage, or any building for that matter, without submitting plans and specifications to the local authority, or without ensuring that the proposed works are reasonable and are suitable for the purpose for which they are to be constructed. This is all section 60 (2) seeks; namely, that an engineer shall certify that the works are reasonable for the purpose for which they are designed and proposed. To say that an engineer is not a practical man and would not do this is beyond my comprehension.

Mr. JAMIESON: I will now check back on what has been said. Heat was first engendered into this debate by an attack being made on the Civil Service by the member for Floreat. During the whole time I was a member of the Opposition not one member on the other side of the Chamber will be able to recall my ever having done that. Quite clearly the member for Floreat said that if no-one in the service was prepared to sign the certificate, an outsider would sign it, but he was not prepared to name him, of course. Let the honourable member name the one who will sign it.

Mr. Mensaros: You could write to the institute and ask that body whether anyone would sign it.



Mr. JAMIESON: Let the honourable member state the name of the institute! It has no right. Specifically, the section states that it shall be the engineer-in-chief or an officer deputed by him who shall issue the certificate. I might not be as big a fool as the member for Cottesloe gives me credit for being because, with a departmental matter such as this, like him, I would do the logical thing and have it thoroughly researched by my departmental officers. I have done this and those officers came up with the same situation as I had pictured previously, which I outlined to this Chamber.

I submitted every word of the second reading debate to my officers for their review and the following is the result:—

1. In the debate on the second reading of the Land Drainage Act Amendment Bill, members expressed concern about and asked for further advice regarding the effect of the deletion of clause 60(2) (c) on the ability of individuals to proceed against the Government for damages arising out of flooding.

2. The deletion of clause 60(2) (c) will not in any way affect the right of the individual to sue the Public Works Department or a Drainage Board for flood damages arising out of negligence on the part of the Department or Board as this is a normal legal right and is not covered by any section of this Act.

3. The deletion of clause 60(2) (c) will only remove a statutory requirement for the Engineer-in-Chief to give a certificate which is not practical to give and which has never been given. Drainage works constructed without this certificate run the risk of being found to have been constructed without the essential statutory authority and, therefore, being classed as "nuisance upon the land".

4. There is a considerable amount of case history where courts have independently established the duty of the constructing authority to provide for capacity to prevent damage from events which although uncommon or even hitherto unknown are of a kind and degree which may be expected sometimes to occur.

5. There is no similar provision to clause 60(2) (c) in the Metropolitan Water Supply Sewerage and Drainage Act.

I draw the attention of members to the fact that before undertaking the construction of such works, under section 60(2) (c) the board shall—

obtain from the Engineer-in-Chief or officer deputed by him a certificate that he is satisfied that the proposed works will be of sufficient capacity to

carry off all waters which may reasonably be expected then or at any future time to flow into such works from the catchment area which will be served thereby, and that a reasonably sufficient outlet to the sea has been provided.

As I indicated, the engineer-in-chief never has issued, nor to my understanding never would issue such a certificate. Further, no responsible engineer would, because it is just not capable of being done. The mere act of taking plans and specifications to a local authority—as outlined by the member for Floreat—will not guarantee that a house will not in certain circumstances fall down.

Mr. Mensaros: I merely said that the local authority would agree that the proposed works were reasonable.

Mr. JAMIESON: In a number of court cases it has been proved to be abundantly clear that the works were reasonable. Therefore the provision in the Act has no application because the engineer-in-chief or the board will not issue the certificate provided, and if the provision remains in the Act it will only gum up the future activities of the department. The member for Floreat may shake his head, but he does not know everything, and the situation is as I have indicated to the Committee. There is ample provision under common law for the individual to be protected in the case of negligence and other such circumstances.

Mr. HUTCHINSON: I find the Minister's comments remarkable in two respects. In the first place, he could have given us the benefit of the advice he has obtained from the department at the outset of the debate on this Bill.

Mr. Jamieson: What? After the effort by the member for Floreat? What do you expect?

Mr. HUTCHINSON: I did not think the Minister would act in such a manner as that.

Mr. Jamieson: I told you at the beginning that I had examined the amendment and that it had proved to be exactly the same as what I told the Chamber previously. What else do you expect?

Mr. HUTCHINSON: There is a sage nod from the Minister for Agriculture.

Mr. H. D. Evans: I could not help but hear what you said.

Mr. HUTCHINSON: It is insulting to the Opposition for the Minister to act in the way that he has done.

Mr. Jamieson: It is insulting that the member for Floreat has acted in the way he has done. Very insulting!

Mr. HUTCHINSON: In fact, his last speech is even more insulting, because there is evidence that he could have given

this information at the outset of the debate on this measure, instead of merely stating he had made some research on it, and that, as far as he was concerned, it was all right. He has to give the information chapter and verse, and he had it in his possession. That is only one of the remarkable features of his comments. The other is that what he has said this evening contradicts what he said when he introduced the Bill at the second reading stage.

In introducing this legislation the Minister referred to the action of a judge of the Supreme Court. Under the Bill he seeks to remove an avenue of appeal and all we asked was that it be modified in accordance with his general statements. So we find these two remarkable features, one being that he has withheld information from us—

Mr. Jamieson: I did not withhold any information.

Mr. HUTCHINSON: The Minister did.

Mr. Jamieson: I told you I had researched it and had retained the opinion I had before.

Mr. HUTCHINSON: Let the Committee be the judge.

Mr. Jamieson: The Committee knows that.

Mr. HUTCHINSON: The other feature is that he denied what he said in his second reading speech.

Mr. Jamieson: No I did not.

Mr. HUTCHINSON: The Minister stated that subsection (2) (c) caused the Government to lose its case in regard to the Harvey flooding.

Mr. Jamieson: On a technicality, not on a normal ground of appeal at common law.

Mr. HUTCHINSON: If the Act is not followed, a ground exists for appeal.

Mr. Jamieson: You have gummed up water supply activity in this regard. Well, gum it up and see how we go.

The CHAIRMAN: Order!

Mr. HUTCHINSON: It is quite obvious the Minister should have done his homework.

Mr. Jamieson: I did my homework thoroughly and again over the weekend.

Mr. HUTCHINSON: On two points I accuse the Minister of not having done the right thing by this Chamber.

Mr. I. W. MANNING: Why does not the Minister agree that the engineer should issue a certificate.

Mr. Jamieson: The engineer will not issue a certificate.

Mr. I. W. MANNING: Why not?

Mr. Jamieson: They will not. They just will not sign the certificate.

Mr. Mensaros: Why do they—

Mr. Jamieson: I do not know what you are talking about. I am not going to answer what I can only half hear.

Mr. I. W. MANNING: The provision merely states that a certificate shall be obtained from the engineer-in-chief or an officer deputed by him that he is satisfied the proposed works will be of sufficient capacity, and the Minister in support of his argument that that should not be in the Act cited a case at Harvey in regard to which a successful action was brought against the department, an action which would not have been successful—

Mr. Jamieson: I think you will agree in all fairness it should not have been successful. Would you not? You know the case.

Mr. I. W. MANNING: Of course I believe it should have been successful.

Mr. Jamieson: There you are!

Mr. I. W. MANNING: If the Minister knew the local circumstances he would have said just the same too. An area covered by a foot of water before it was drained was covered subsequently by six feet of water and one foot of silt, and the whole of the farmer's property was covered by silt. Yet the Minister says he should not have been compensated. I am amazed!

Let me come back to the point. The Minister said that action would not have been successful had this provision not been in the Act. Consequently, as the member for Cottesloe stated, if the provision is deleted we will deny to landholders an opportunity to make a successful claim for compensation. It is as clear as a bell to me what the Minister seeks, and I do not know why he has attempted to confuse us. I cannot for the life of me see any reason that an engineer should not give a certificate to state that the design is such that it will achieve its purpose.

Mr. Hutchinson: He could have excepted acts of God.

Mr. I. W. MANNING: That is already provided for.

Mr. Jamieson: It is not in this section.

Mr. Hutchinson: It could have been modified in some way.

Mr. I. W. MANNING: The common practice is to provide for exceptional circumstances.

Mr. Hartrey: A certificate is not—

Mr. I. W. MANNING: The member for Boulder-Dundas has interjected. I am absolutely amazed that he can support a proposition that denies people an opportunity to make a claim.

Mr. Brady: He has not interjected along those lines at all. You did not hear what he said.

Mr. I. W. MANNING: I am also amazed that the member for Swan should desire to delete something which requires an engineer to say—

Mr. Brady: Neither the member for Boulder-Dundas nor I said that.

Mr. Hartrey: A certificate is not required in cases involving acts of God.

Mr. Brady: Why not listen to him?

Mr. I. W. MANNING: Let me make the point again. For the life of me I cannot understand why the Minister should seek to delete this paragraph from the Act.

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

## Ayes—21

Mr. Blaikie	Mr. O'Neill
Sir Charles Court	Mr. Reid
Mr. Coyne	Mr. Ridge
Mr. Gayfer	Mr. Runciman
Mr. Hutchinson	Mr. Rushton
Mr. Lewis	Mr. Stephens
Mr. W. A. Manning	Mr. Thompson
Mr. McPharlin	Mr. Williams
Mr. Mensaros	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
Mr. O'Connor	(Teller)

## Noes—21

Mr. Bertram	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. May
Mr. Bryce	Mr. McIver
Mr. Burke	Mr. Moller
Mr. Cook	Mr. Norton
Mr. Davies	Mr. Sewell
Mr. H. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. J. T. Tonkin
Mr. Hartrey	Mr. Harman
Mr. Jamieson	(Teller)

## Pairs

Ayes	Noes
Mr. R. L. Young	Mr. A. R. Tonkin
Mr. Grayden	Mr. Graham
Sir David Brand	Mr. T. D. Evans
Dr. Dadour	Mr. Bickerton

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

Amendment thus negatived.

Clause 3: Section 65A added—

Clause put and passed.

Mr. I. W. MANNING: I ask the Committee to vote against this clause in its entirety. It is a most unusual clause and certainly introduces a new principle into compensation. Someone must assess the value of the damage done and the benefit derived from the works and then after some mental arithmetic decide on the amount of compensation. As I have said, this is a new principle and I think we will open up an area here which will not reflect to anyone's advantage, but will create grounds for considerable contention. Undoubtedly it will be hard to assess the value of the work done. We must bear in mind also that all landholders, through the rating system, would have contributed to the work carried out.

Any provision which establishes an obstacle to a legitimate claim for compensation ought to be resisted. If damage is created to a property then it is fair and

reasonable that the department should expect a claim for compensation to be made. I do not see any merit at all in expecting people under these circumstances to concede that they have received benefit to a degree, which benefit, as I said earlier, could be a matter of considerable argument. Consequently I ask the Committee to vote against this clause.

Mr. JAMIESON: This is rather a surprising reaction, but one need not ever be surprised in this Chamber I suppose.

Section 65 allows the authority to take land under the Public Works Act, 1902, with the following proviso:—

Provided that, in the exercise of the powers conferred by this Part, the board shall do as little damage as may be, and shall make to every person interested compensation for any damage actually sustained by him through the exercise of those powers, and such compensation, if not agreed upon between the parties, shall in the case of land taken be ascertained and made in the manner provided in the Public Works Act, 1902, and in other cases such compensation shall be recoverable in any court of competent jurisdiction.

That is the situation under all resumption propositions. As I have explained before, if somebody had a paperbark swamp which was of no use to man or beast and the drainage department had put a one-chain reserve through it to get rid of the water, it is unreasonable that the claim for compensation should not be considered, to some extent, in terms of the improvement which has resulted through the action taken by the department. There is nothing in the provision which is irregular in connection with Government activity. In effect, the property owner will receive an unearned increment. He also receives compensation. If he is not satisfied, as is the case with all resumptions, he has recourse to arbitration under the provisions of the Public Works Act.

Mr. Hutchinson: Is this provision in the Rights in Water and Irrigation Act?

Mr. JAMIESON: I could not say exactly where it is and I do not believe I should have researched it. I did not know this Bill was coming up.

Mr. R. L. Young: It was in your second reading speech.

Mr. JAMIESON: If I said it then—

Mr. O'Neill: You have a rough chance of being right.

Mr. JAMIESON: —this would have been in accordance with the notes I had at the time. Doubtless, then, this is the position.

The point I make is that there is ample provision for compensation under the Public Works Act of 1902. This covers

actions on the part of the Government in connection with Government activities or on the part of the board, through the Minister for Works for the time being.

I am quite firm in my view that the Government should not be expected to pay more than the land was worth when drainage started, simply because the value of the land has subsequently been enhanced.

Mr. I. W. MANNING: I do not want to be at cross purposes with the Minister on this subject, but I am interested to know the situation which has existed since the turn of the century in connection with carrying out drainage works when the drain crosses private property. My experience is that if the landholder gains no benefit from the drain, sufficient of his land can be resumed for drainage purposes. In cases where the landholder gains benefit he does not receive compensation for the drain constructed across his property. There is no suggestion of compensation or of resumption. The drain is merely constructed across his land. If, at some future time, he seeks to gain compensation for damage done but has gained benefit, he has no claim. A person does not claim in these circumstances. If, however, he gains no benefit, he has a claim. This has been the situation in the past. I am at a loss to understand how this situation will alter that practice. I do not know exactly what the Minister is seeking to do.

I say again that this introduces an area where there could be considerable argument on evaluation of benefit just as there is on evaluation of damage. I would think there would be a far greater argument over assessment of benefit than assessment of damage.

I have never come across any real problem of this nature in the past and I fail to conceive any situation where it could be of benefit in the future. I see no merit in it for that reason.

Mr. JAMIESON: If repetition means gaining any advantage on my part, I shall repeat my comments. In a case where an area is drained and a drainage resumption is made, say, through a paperbark swamp which was of no use to man or beast, until now the person owning such land has had recourse to compensation for the area taken for the drainage reserve, without any adjustment for increased value and availability of the use of the land to the persons concerned. In all the circumstances it is reasonable to suggest that when property has been improved through the spending of Government money to create a drainage reserve, this should be offset against any compensation which is forthcoming.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

### **WHEAT PRODUCTS (PRICES FIXATION) ACT AMENDMENT BILL**

#### *In Committee*

Resumed from the 10th August. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Taylor (Minister for Labour) in charge of the Bill.

Clause 2: Amendment to section 15—

Progress was reported after the clause had been partly considered.

Clause put and passed.

The CHAIRMAN: Clause 3.

Mr. O'NEIL: I wish to speak to this clause.

The CHAIRMAN: I am sorry, I have made a mistake. There is no clause 3.

Mr. O'NEIL: Then, I would like to speak to clause 2.

Mr. Taylor: Clause 2 has been put, Mr. Chairman.

The CHAIRMAN: I am sorry, I have called clause 2.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

### **FUEL, ENERGY AND POWER RESOURCES BILL**

#### *Second Reading*

Debate resumed from the 8th August.

MR. O'NEIL (East Melville—Deputy Leader of the Opposition) [8.25 p.m.]: I find myself in a rather unusual position. I have in front of me a number of volumes relating to a Bill which, unfortunately through some misunderstanding on my part, has progressed through the Committee stage and, in fact, the third reading will take place tomorrow.

It is not without significance that the measure before us has been introduced for the third time, also. Although I took the adjournment of this debate, I did so on behalf of the Leader of the Opposition who was absent at the time. As he is now here, I rather reluctantly resume my seat.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [8.26 p.m.]: This measure which is concerned with fuel, energy, and power, is one of the very important Bills which have been introduced to this Parliament. I doubt whether the average person in the street realises the significance of the question of fuel, power, and energy in the community and, for that matter, in the world today. It is

a fact that today the world is looking at fuel and energy in an entirely different way from even a decade ago.

This has been brought about by the fact that some of the industrial nations have been expanding their fuel and energy needs at such a fantastic rate that they must face up, in a critical way, to the question of what will be their source of supply in the years that lie ahead.

One point which must be made at the outset in debating this Bill is that no longer can we consider the question of resources, energy, and environment as separate and isolated subjects. There is very good reason for the need to consider these three aspects together. Development of resources without energy is absolutely futile; in fact, it is impossible. In the modern world we cannot consider the generation of energy or the development of resources without paying full regard for the environment. Consequently, today in international circles we find the question of resources, energy, and the environment is considered as a total subject and not as three separate subjects in isolation as was the case but a few years ago.

In my experience it has become apparent that the great brains of the world who study this question are more concerned about the problems over the next 15 years than with problems beyond that time. I felt it would be appropriate to make some reference to this when discussing this Bill, because once it goes on the Statute book I can see it will have an impact on the development of our energy resources for generations to come. This is the first time we have tried to reduce to a Statute a proper study of fuel and energy, and to make it a statutory obligation on the part of specific people. As explained by the Minister who introduced the first of the three Bills, in the past we have had an energy committee which was set up by the previous Government. This committee was studying the total question of fuel and energy policies, not only for now but for the future.

As part of this work, an outside consulting firm was brought in to make a study and to arrive at some evaluations. The Minister well knows the report to which I refer, some parts of which were made public but the bulk of which, of necessity, had to be kept confidential because of the nature of the information in it. It was originally commissioned by my colleague, the Leader of the Country Party, when he was Minister for Electricity. It was received and considered towards the end of his ministry.

This is such a vital subject that I think it behoves me to express some viewpoints on behalf of the Opposition. Doubtless my colleague, the Leader of the Country Party, will make his own comments based

on his experience as Minister for Electricity. The present Minister will, in all probability, add his comments when he replies. There are others in the Chamber who are interested also.

I mentioned the fact that there is great concern about supplies of fuel over the next 15 years and one is entitled to say, "Why the next 15 years?" There is a very good reason for this. Firstly, environmental considerations are critical with the existing readily available sources of fuel. The world is using a prodigious amount of petroleum fuel which is very heavy in sulphur—and  $\text{SO}_2$  is something which triggers off a very sharp reaction in the community today. This is perhaps not so apparent in our own country because we do not have a large volume of it yet. However, in other countries it has become something which drives people into hysteria. I well remember walking down a street in New York and an unknown person rushed up to me and said, "Can you smell it?" I could not smell anything unusual and he said more urgently, "Can you smell the sulphur?" This man was ready to take off to the nearest area of the type provided in New York for periods of bad pollution. I felt certain that the air smelt no different but the subject had become such an obsession in this man's mind that he was prepared to stop anybody and convince him that he would not live very much longer. One cannot ignore these hysterical reactions which are now prevalent in some countries.

Environmental considerations are most critical where fuel is concerned. Some coal has a very high sulphur content when it burns.

Mr. Hartrey: There is any amount of sulphur burned in Kalgoorlie any day, and no-one worries about it.

Sir CHARLES COURT: The member for Boulder-Dundas makes that observation in a way which I find very welcome because I made exactly the same observation when we were considering the establishment of the nickel smelter near Kalgoorlie. I was nearly eaten alive and I was told I had no consideration for the people living in Kalgoorlie.

I agree with the honourable member's observation. Similar considerations arise at Port Pirie in South Australia—a traditional smelting town. I do not suggest that because people are used to these things they are immune to them, nor should they be made to suffer more.

The next 15 years are critical also because the location and known sources of readily available fuel are matters which are very disturbing to the major industrial users. I refer particularly to petroleum. Most members will have read of the confrontation which took place last year between the Middle East oil-rich countries and the major industrial users.

The result was a renegotiated price, but the degree of confrontation made many people very uneasy. It was the first time this had happened, but we must assume it will not be the last.

During this critical period when fuel of this type is the mainstay of countries such as Japan and other places which are highly industrialised, one can understand how such countries are very sensitive to the Middle East and other sources of supply.

Another problem is the question of transportation. I do not know whether members are aware that some 240,000,000 tons of petroleum products a year are transported from the Middle East to Japan. This is becoming a critical factor because unless agreement can be reached about the dredging of the Strait of Malacca, tankers large enough to cope with the expanding needs of countries like Japan will not be able to travel through the Strait.

The fourth reason for the importance of this time factor is that a considerable period of time is necessary for transition from one major type of fuel, such as coal or petroleum, to an alternative and clean source, such as nuclear power.

Very intensive programmes of research into higher forms of nuclear power are being undertaken in various parts of the world. It is a fact of life that to venture into more sophisticated forms of fuel and energy requires longer research programmes. Research which could be completed in three or four years now takes 15 to 20 years. A new technology must be learnt and safety factors have to be checked, double checked, and checked again. The greatest cost in building a nuclear plant today is involved in the fact that it has to be "over-engineered" to satisfy people as to its safety. With experience such establishments will probably follow the same lines as aircraft production; that is, a gradual upgrading of the lifting capacity and range. As more of the technology of the subject is understood, the excessive engineering requirements will be reduced and the costs of such establishments will be less.

As well as this factor there is a hiatus whilst we transfer from one fuel to the other or, to put it another way, we must continue to use the existing fuel whilst at the same time we must take care of increasing demand by other alternative sources of fuel such as nuclear energy.

These four factors make the next 15 years a very critical period. Most of the scientists who are active in this field are quite certain that by that time the pressure will have been taken off existing sources of fuel and energy and new and cleaner sources will have taken their place. We must take up the slack so far as

expanding demand is concerned and we must progressively replace the existing sources of fuel over the years.

To continue on this particular point, I believe that the world's energy demands will go up at such a huge rate that we will need most of our present sources of fuel and energy in addition to the replacement sources until well into the next century. The resources of petroleum products, in the form of oil or natural gases, are not unlimited. We have heard of a recent major discovery in the North Sea which seems spectacular. However, when this discovery is measured against the needs of say, Britain, it will provide for approximately a third of the present daily needs only. When this is multiplied by the needs of Germany, France, Italy, and Belgium, to say nothing of North America, U.S.S.R., and Japan, members will appreciate that we need a great deal more oil than the discoveries in such places as Bass Strait, the North-West shelf, and the North Sea.

It remains a fact of life that the largest reservoir of petroleum products is in the Middle East and even that, large as it is estimated to be, is only anticipated to provide for the world's needs for 40 or 50 years at the most at the present rate of usage. If the rate of usage is stepped up, obviously the life of these fields goes down accordingly.

In this atmosphere I go along with the proposition that a sound fuel and energy policy in Australia, including Western Australia, is not only necessary but urgently needed. The rest of the world is at present planning for a change from one type of fuel to the other. If we do not start to think along these lines we will be left out.

It so happens that Australia is a very fortunate country and has a huge quantity of indigenous fuels, whether it be fuel coal, coking coal, natural gas, or uranium. We have other sources of energy as well, but these are the major ones. We also have the resources which need these fuels to convert them to metal. It is very fortuitous that Australia commenced to find the resources of fuel and energy at the same time as it discovered huge quantities of minerals and other natural resources.

Without fuel and energy we cannot convert iron ore into iron and steel; we cannot convert bauxite into alumina or aluminium; and we cannot convert nickel ore into nickel, metal, and so on. It goes further than this—a tremendous number of other products are involved.

I would like to make this observation: Another reason for having a very sound fuel and energy policy is the fact that the world is starting to question whether we are putting the known fuels to their best uses. For instance, we can ask whether the world should be using the petroleum coming from the Middle East to such a

large extent for power generation. The question can be asked very pertinently: would it not be better to use more of it for chemical purposes? This is a fair enough question and I believe it should be part of the policy of every Government, State and Federal, to ensure we are not left behind in determining the best way to use the fuel and energy we are so well blessed with.

We are only now beginning to understand the fuels we have—coal, natural gas, uranium, and the oil we hope to find in increasing quantities. It is well known that we have not found oil with heavy crudes and when we use petroleum as a furnace fuel we will be substantially hampered by having to import this type of fuel.

One of the problems worrying the industrialised countries is the fact that some of the oil-rich countries are starting to feel their negotiating strength, and I do not blame them for that if they are reasonable. Therefore, it becomes increasingly important for a country such as Australia to make an assessment of its potential, to look at its position in the total world sense, and also to see how hard a bargain it can drive to expedite the processing in our own country of our minerals into metals because of the presence in our country of these fuels.

I want to sound a note of warning: Whilst we must use our resources as a bargaining medium, and we must negotiate with a degree of firmness, I also believe that we must have foresight and good sense. If we over-play our hand in this sort of thing we may finish up with the resources but nowhere to sell them.

Mr. Brady: Do you think we are wise in trying to negotiate with America and Japan for the sale of natural gas?

Sir CHARLES COURT: I feel it will be necessary to sell some of our natural gas in liquified form, but we should put very definite limits on the proportion we sell. This is the biggest bargaining strength we have. I come back to my point: We have to bargain with strength and foresight but we must also be realistic. We have a resource which the world needs and we have to make some of it available to the people who need it. On the other hand, we would be less than prudent if we did not see that the greatest need is at home.

I shall come to another point later on, but I say now we will be doing a service to other countries if we use our fuel resources to produce metal for them in our own country. It is nonsense for other countries to use our fuel resources in liquified form when we could be doing the same thing in our own country at a cheaper rate. I do not say that these figures are correct, but I wish to give a comparison. We will suppose that natural gas up north is 30c per 1,000,000 B.T.U.'s.

If this natural gas were liquified and exported to Japan it would then cost about \$1.20 for the same quantity and \$1.40 or more in America. This is nonsense if we can burn it in our own country on behalf of the other countries to produce the metal they need. We get the industry and the world gets the metal.

Mr. Brady: It should encourage capital investment in our north-west.

Sir CHARLES COURT: If these principles are applied in the way I believe they should be applied, and as I hope the Governments, State and Federal, will want to apply them, by far the greater proportion of our natural gas fuel will be used in our own State. I hope this will be part of the policy which will develop from the commission the Government is hoping to set up.

This commission will be embarking on some very imaginative work and I hope the members of the commission will think at an international level. If they think at a local level they will be wasting their time and we would not need the legislation.

However, if Australia is really to receive any benefit from the legislation we are now considering, we will have to think internationally and lift our sights far beyond the needs of the S.E.C. and the needs of a few local industries. We must think in an international dimension. Therefore, I think it is appropriate to place on record some of the research that is going on at the present time, and this is also related to the 15-year testing period—a very difficult period which will take place between now and roughly 1987, or it may even extend until 1990.

I refer firstly to nuclear research. We know that nuclear plants are at present operating throughout the world. They are producing power cheaply and in large volume. Some countries are stepping up the percentage of power produced by nuclear energy each year. The Japanese will be forced into nuclear energy very quickly; they will have to accelerate quickly into this form of energy in the 1980s if for no other reason than to overcome their prodigious transport problem. They could reach the stage where it is physically impossible to continue to import increasing quantities of oil, even if they can buy it in the Middle East with all the confrontations that are occurring there, and even if they can ship it through the Strait of Malacca.

So nuclear research is being stepped up at a level far beyond the plants we know to be operating in the world today. For instance, the breeder reactor research which is being carried out will completely revolutionise—I would say within 15 years or 20 years at the most—the use of uranium and its final application for power generation.

We also have very advanced research into H.T.R. plants; that is, high temperature gas reactors. In this case we are talking about temperatures four and five times greater than the temperatures at which present nuclear plants operate. Another point about these plants is that if gas is generated at such high temperatures it will mean that nuclear energy can be used for the production of steel, and no longer will coal be necessary. This is not just around the corner; but it will be with us.

Mr. Jones: Of course, in Japan there is a shortage of coal.

Sir CHARLES COURT: Yes, there are countries which have shortages of coal and, like Japan, have very limited internal sources of coal. The point made by the member for Collie is most pertinent. One can understand that in countries like Japan which have very limited resources, and in countries in Europe where coal resources have been eaten up over the years, it is necessary to think in terms of alternatives and substitutes. Whilst Europe and Japan can buy coal from Poland and other countries at a reasonable price they will do so because coal is an easy medium by which to reduce minerals to metals. But on the other hand, I think it is fair to say that coal will become more expensive and more dangerous to produce; men will not want to work in deep coal-mines. So countries with coal shortages must find substitutes.

I think one of the substitutes which will become available within 15 to 20 years will be H.T.R. These plants have a dual purpose; the gas may be used as the reducing agent, and at the same time heat is available for power generation purposes. This is just one fuel which could completely transform the ratios of fuel usage throughout the world. It will eliminate the fear people hold at the moment that the excessive use of coal and oil could bring about a crisis situation in the world as a result of having insufficient resources of fuel and energy. We must remember that one of the great users of fuel and energy is the population through its community living—the operation of motor vehicles and household appliances, and the provision of services, all of which use fuel and energy. The population is a great user of fuel and energy as distinct from industries such as steel, aluminium, and other direct users of fuel, power, and energy. One of the great advantages of this more advanced form of nuclear energy is, of course, the fact that it is a clean fuel.

The next source of energy which is the subject of very heavy research at the present time—and the research into it will have to be stepped up to a most sophisticated programme involving about \$10,000,000,000 over the next 20 or 25 years on an international basis—is solar

energy. At one stage I used to discount this as being a practical proposition because I thought solar energy just could not be stored. However, scientists are now on top of the problem and they are talking about this source of energy in the form of hydrogen being ready to take over from nuclear energy if need be. Again, there is a limitless source of clean energy. They talk of a "hydrogen economy." This gives us great confidence for development programmes, because this fuel would be virtually unlimited.

Yet another source of energy—and my list is by no means exhaustive—is the use of sea thermal plants. Australia is close enough to the equator to take advantage of this form of energy. These plants take advantage of the temperature difference between surface water and water at a depth of 500 metres in the tropics. Heat is transferred from the lower to the upper levels to generate power. Once again it is clean energy and the source is almost limitless.

This example indicates the type of research being conducted at present. Scientists anticipate that when this technology is perfected power may be generated at something like 0.5c per unit. This proposal is limitless in its potential. It is, of course, another form of capturing the energy of the sun because it is as a result of the sun's effect on the sea that the sun's energy is captured and retained to be used in sea thermal plants.

In view of the fact that my colleague had to use up some of my time I am rather limited, so I had better press on. I had hoped that I would have a little more time in which to deal with this important subject in view of its significance. I believe this is one of the most important Bills we have tried to place on the Statute book.

On the local scene we have natural gas and other fuel; and when I say "local scene" I am referring to Australia as a whole and not just Western Australia. We have natural gas, fuel coal, and coking coal. These fuels are available in huge quantities. Admittedly most of our known coal resources are in the Eastern States and our own State coal resources have yet to be fully proved. We also have uranium, hydro-electric, and tidal power. This is an amazing collection of fuel and energy sources available for development in one country. I believe we will receive the full advantage of these things only by having a most vigorous and imaginative fuel and energy policy.

We have not developed hydro-electric power to its full potential; but it is one of those sources of energy which, once it has been harnessed, that is the end of its potential. Most developed countries in the world today have done this. Once the hydro-electric potential has been fully exploited the energy always remains, but



when expressed as a proportion of the total energy produced it becomes less and less as the years go by. We have yet to move into tidal power on a huge basis, but I believe it will come.

We support the Bill in principle because we believe it is a move in the right direction. It is consistent with the policies we were following. It is a logical extension of the fuel and energy committee which previously operated on a ministerial level.

I would like also to express my appreciation of the fact that the "gremlins" have been removed from this Bill. As members know, we have made three attempts to get this far. The Minister's colleague suffered a misfortune as a result of a procedural matter, and the original Bill was withdrawn. However, upon looking at the present measure one realises that had the original Bill been proceeded with it would have done us no good. I can only assume that someone in the Government did not understand what was in that Bill, and had we proceeded with it with all the gremlins in it I can foresee that search for fuel in this country would have dried up rapidly.

However, we are not considering the original Bill, but the present measure. There are some matters in it which I wish to raise in detail in the Committee stage, and I hope the Minister will be able to explain them to me. I believe this Bill seeks to achieve the original objectives explained by the Minister for Housing when he was also the Minister for Fuel. The present Minister did not bother to elaborate on this because, as he said, the objectives had been explained to the House previously.

I think it is as well to summarise those objectives. Firstly, the Bill seeks to determine the demand for fuel and energy in Western Australia. Secondly, it seeks to determine the capacity of the State to supply these energy requirements from internal resources. Thirdly, it seeks to assess the impact of any energy deficit which may exist on individual users of energy and the State's development programme. Fourthly, it is to evaluate possible ways of meeting the energy requirements through further development of internal resources, or by importing energy from outside the State. Fifthly, the Bill seeks to recommend suitable policy decisions and future actions on fuel and energy to the State Government, with special reference to future development of present indigenous energy resources.

I believe that if the proposed commission is to fulfil its proper function it should go one step further; that is, it should assess the role of the indigenous fuels of Western Australia in the total international scene. It just does not make sense to be indefinitely sending rubbish around the world and sending the fuel after it so

that it may be processed in another country. I believe something should be arranged whereby we can do this in our own country—by way of a joint venture on an international or multi-national basis—on behalf of other countries to obtain the best use of the fuel and the best economic impact as far as we are concerned.

Our objective must be large volumes of cheap power, and we must get away from the old idea of measuring power demand in terms of a growth rate of 10, 15, or even 20 per cent. per annum, because that will never resolve the problem so far as this State is concerned. At some point we must project ourselves beyond the present installed level of generating capacity and up to a new plateau.

Perhaps I can better make my point this way: The world has large markets for our metal. There are many countries which, if they could get assured supplies, would stop making metal because the process produces a host of problems—problems of raw material supply, problems of pollution, and problems of production space. Those countries would gladly get out of making metals if they were assured of the right supplies of the right metals at the right price.

Aluminium is a metal which comes quickly to mind. It was deemed possible—and it still is possible—for this State to produce something like 500,000 tons of aluminium for export as ingots; but to do this we would need as much installed generating capacity for that purpose alone as the total installed capacity in the south of the State at the present time. This will not be achieved with a generating capacity growth of 10, 15, or 20 per cent. per annum; it will only be achieved if, by negotiation at the international level, at the Commonwealth level, and at the State level, we can project ourselves into an entirely new dimension of power generating capacity.

My estimate is that if by the year 1977-78, or 1980 at the latest, we are able to assure the world that we can double our present generating capacity in Western Australia, in addition to taking care of our normal growth rate, and produce that power at 0.5c per unit, we could write so many orders that we would completely change the economy of the whole of Australia. This must be our objective. I hope that it is one of the objectives behind the proposed establishment of this commission because I repeat: if the commission is to think only in terms of the normal local S.E.C. needs we are simply wasting our time passing this legislation.

We must think in terms of the international scene and our potential in that scene. This is a completely new dimension of power generation and the use of fuel and energy within our own State. It does

not matter whether we are thinking of the production of steel, aluminium, copper, nickel, or even the production of chemicals or paper; it always comes back to the critical factor of the cost and availability of power.

Above all, I think we must realise that without adequate supplies of power at a reasonable price we simply cannot establish good living standards in remote areas where the temperatures are high and there are long dry periods. In such places air-conditioning, water cooling, and a host of other things become crucial factors because the people who live there must have these labour-saving devices. Any estimate of fuel and energy consumption without these things is, of course, quite unrealistic.

Before I conclude, I want to leave one thought with members: I say the only way in which we will achieve this is with international co-operation because within Australia there is not the capacity to absorb all that we can produce. So, our fuel and energy programme has to be harnessed to the international needs; we will require international support; and we will need multi-international corporations that will underwrite the production of metal, and from that underwrite the production and sale of power. This is not a programme that can be undertaken in two minutes; it is one on which we must be working continuously.

A further point is that we must establish the closest possible association with industry. I understand it is one of the objectives of this legislation to have the closest co-operation with the people who have the capacity. This applies not only to the petroleum producers, the coal producers, or the uranium producers; we need the lot.

I think that the careers in power generation and the use of fuel and energy in the years that lie ahead are so fantastic that young people these days would be well advised to think about these careers as they go about their studies at the technical colleges and the universities, because here we are thinking of a dimension so far removed from the present basis that it is almost unbelievable.

Just imagine Australia going into the enrichment of uranium! We would not only create a tremendous revenue earner for the nation, but open up a completely new vista of technical opportunities that are not available at the present time. As we become involved in the harnessing of hydro-electric power, tidal power, natural gas, and all the coal we hope to find in this State in addition to what we have, we again open up another vista of careers for young people in the field of fuel and energy production. Tied to this are the

metal producing industries. I cannot imagine young people in any other country having more opportunities than are present in Australia.

I hope this is the charter that is given to the commission to be established. Somehow or other, this has not been written into the legislation. I do not know whether an objectives clause should be included to spell out what Parliament has in mind. I am interpreting the aim of the Minister as one in which he is not thinking merely of obtaining some fuel and energy for the State Electricity Commission. We do not need a commission for that purpose. If what I have said is the objective of the Minister—and it is the objective of those on this side of the House—I hope we can bring about a completely new field of thinking so far as fuel and energy supplies are concerned.

Mr. May: That is our intention, but it is difficult to spell everything out in the Bill.

Sir CHARLES COURT: Sometimes it is not a bad practice to follow what is done in some agreements; that is, to insert an objectives clause so as to give a background to the aim of the legislation.

Mr. May: I tried to give the magnitude of the objectives in my second reading speech.

Sir CHARLES COURT: So far as we on this side of the House are concerned, we want to get the message across to the commission, either through the Minister or through this Parliament, that we support the legislation on the understanding the commission is not being appointed just to ensure that the S.E.C. has sufficient energy and fuel in the future. The S.E.C. can do that on its own.

We on this side are supporting this Bill fully on the basis that this is the first major step, following the previous *ad hoc* arrangement, of bringing down a Statute to make it possible for people with skill, with the necessary budget, and with the backing of the Government and Parliament, to enter into this research and to be prepared to join with some of the world forces that are currently at work to look not only into natural gas which can be easily plotted, handled, and used, but also into some of the more sophisticated and involved usage surrounding nuclear and other forms of energy.

Mr. May: That was the reason for making this a body corporate.

Sir CHARLES COURT: I hope that is the objective. We support the Bill in the hope that the commission will think in terms of the broader international picture and not just the local scene. On that basis I support the Bill.

**MR. NALDER** (Katanning) [9.05 p.m.]: I regret that I have not had a great deal of time to study this Bill in detail. However, there are some aspects on which I would like to hear the Minister's comments. I can see some great changes taking place, and I was interested to hear the Leader of the Opposition enunciating his thoughts with reference to the need for a commission that will search for the best ways and means to be adopted for the best usage of fuel for the generation of power. In this respect I see some distinct advantages.

Before commenting on that, I would like to point out that we owe a great deal to the S.E.C. It has been responsible for supplying the power requirements of the State, ever since its inception under an Act of Parliament. Over that period the present chairman and officers, as well as the past chairmen and officers, have made a very valuable contribution to meeting the power needs of Western Australia. Even in recent years it has assumed the responsibility of taking over the supply of power as the need arose in areas far removed from those set out in the original Act.

When we are talking on this subject it is as well for us to give full credit to those who have made such a valuable contribution to the power needs of Western Australia—initially in the metropolitan area and the South-West Land Division. I recall, and I am sure other members also recall, it was not so long ago when various sections controlled different parts of the metropolitan area and country towns in respect of power supplies. In some instances, country towns had established their own power supply units, and these met the needs of their communities.

Within a relatively short period of time many changes took place; and much as I regret it, it seems without any doubt at all the jurisdiction of the S.E.C. will be reduced gradually. I see this sticking out a mile as I read the provisions of the Bill. This seems to be regrettable, but I suppose that in the cause of progress changes are necessary. I do hope that the changeover will be a gradual one. The personnel of the commission will be reduced gradually in number; and it may be that in 10, 15, or 20 years' time we will not be requiring anywhere near the same number required today. It may then be necessary to employ only two or three persons to look after the activities of the commission.

As I understand the position, the commission to be established under this Bill will comprise the commissioner who will be given very important duties. According to the *Daily News* he will receive a salary in excess of that received by any other public servant. I presume the newspaper report is correct and that a salary of \$25,000 is being offered.

Mr. May: The man we are looking for would probably not accept \$25,000.

**MR. NALDER:** The point I am making is that I can see the time, in the not-too-distant future, when it will be necessary for the State Electricity Commission to comprise only two or three members because the authority set up under this Bill will be the important one. It will be clothed with tremendous power, and no doubt this will be necessary.

As I have already mentioned, the commission will have a chairman. Also it will have a representative of the State Electricity Commission who will, no doubt, be the manager. He may even be the chairman. Whoever he is he will be on an equal footing with a representative of the Mines Department and a representative from the Department of Development and Decentralisation. Those people will have a most responsible job because they must ensure that the fuel required for the power will be found either in this State or elsewhere. I have no criticism about this. As the Leader of the Opposition mentioned, the proposals in this legislation have been under discussion by Government officers for quite a number of years.

I am not criticising the establishment of the commission. However, in my view we know little enough about the intentions regarding the council. Such a council is unnecessary at this stage. Under this Bill it appears to me a tremendous amount of doubling-up will occur. On the one hand at the moment we have the State Electricity Commission which is supplying all power in Western Australia. We will, under this Bill, have a commission which, in my view, is acceptable. It will have the important responsibility of looking after the fuel requirements and, as the Leader of the Opposition said, it must take into consideration the requirements of the State in five to 20 years' time.

Mr. May: But do not forget that the General Manager of the State Electricity Commission will be a member of the fuel and power commission. There will be no duplication because he will be on both commissions.

**MR. NALDER:** That is what I said. I said that the representative of the State Electricity Commission will probably be the manager. The Minister says that this is the position.

Mr. May: It is set out in the Bill.

**MR. NALDER:** I am saying that I can see no value whatever in the establishment of a council, in the early stages at least. The commission has power to co-opt all the personnel it requires. It will have its permanent members and also a certain number of fluid members who will come and go as requested. At least for a number of years the establishment of a commission and a council will result in a

top-heavy administration. The council will meet from time to time, probably regularly. It will also be possible for the Minister to call its members together at any time at short notice. Yet the commission need take no notice whatever of anything the council may advise. This is an absolute waste of manpower because the commission may co-opt any adviser from any department or anywhere else.

Mr. May: This is the idea of not having a total council. The council meets only as required.

Mr. NALDER: I have no doubt that when the commission requires some advice the industry concerned will be quick to nominate someone to give it. However, I believe the whole set-up will be top-heavy for a long time.

The appointment of a council will be quite unnecessary until such time as the commission feels the necessity for other responsible people to look into aspects with which it does not have the time to deal. The Bill contains pages and pages about the council, yet clause 7(2) reads—

(2) Where the Commission has referred a question or matter to the Council for advice, the Commission may act notwithstanding that the advice has not been received, and where advice is received from the Council the Commission is not bound to act on or give effect to it.

I do not know that I would be wanting to waste my time on a council that was called together to give the Minister advice when, even before the council has had sufficient time to complete its deliberations on the specific subject on which it has been asked to give advice—the council might have been sitting for only two or three days, or for only an hour—the commission could go ahead and completely ignore the council and act as if the council had not been established. It would be a complete waste of manpower. If a council is to be established and it is asked to carry out certain work it should do so, and at the conclusion of its investigations it should feel it has made a worth-while contribution.

I would like the Minister to indicate whether he intends to establish a council immediately or whether its establishment will be postponed until such time as the commission feels the necessity for certain advice.

That is the situation as I see it. I believe the establishment of the very important fuel and power commission is necessary. As the Leader of the Opposition said it will be the responsibility of that authority to investigate all aspects of power requirements for the future. I do not think it is an impossibility that at some time in the future this authority will be responsible for power requirements

throughout the length and breadth of Western Australia and also of other States through a link-up, although this may not occur in our lifetime.

It has already been stated that a Bill was introduced earlier and withdrawn, and it is to the credit of the Government that it could see the writing on the wall as regards the previous Bill. The Government withdrew the measure and conferred with industry, and it was pleasing to note that the discussions which took place—in the Minister's own words—were on a friendly basis. A great deal of progress had been made. I know, from the complaints I received after the introduction of the first Bill, that it would have had a stormy passage. However, the situation has now changed. No doubt other members on the Government side of the House have some comments to make because they were most vociferous when they were on this side of the House.

With these comments I support the legislation. At the moment I cannot see any value in part of the legislation and I will be interested to hear what the Minister has to say in respect of the need for what I consider to be an unnecessary clause at the present time.

MR. JONES (Collie) [9.22 p.m.]: I join with other speakers in congratulating the Government on the introduction of this very important legislation. I do not altogether agree with the views expressed by the Leader of the Country Party and the Leader of the Opposition and in the time available to me I will give my reasons for my disagreement.

Sir David Brand: You would not agree with the Premier, in some cases.

Mr. JONES: The title of the Bill states it is for an Act to make provision for the conservation and utilisation of the present and future sources and supplies of fuel, energy, and power in and to Western Australia, and for the establishment and function of the fuel and power commission of Western Australia.

The Leader of the Opposition mentioned the concern expressed in all parts of the world in relation to supplies, generally, for power generation. He also mentioned the concern expressed by many companies regarding the quantity of sulphur given off from fuel generation in the provision of electricity. At the moment it is estimated that the sulphur content in fuel oil is 2.5 per cent., and the sulphur content in coal is 0.5 per cent. It will be appreciated that this is a matter for concern not only in this State, but also for all power-generating authorities throughout the world.

My greatest concern is the function of the commission which will be set up under the provisions of this Bill. I want to make it quite clear that I am not altogether happy with the composition of the board, for reasons which I will outline.

The Leader of the Country Party said that we owe a great deal to the State Electricity Commission, but I am afraid I cannot support his remarks at all. In fairness, I realise the commission has faced up to the task of extending power supplies in this State; but, at the same time, I feel the policies of the commission have been very shortsighted to say the least.

The 1971 annual report of the State Electricity Commission indicated that the increase in power requirements for the State was about 12½ per cent. each year. Those figures indicate that every six years the State will be required to double its output of electricity, or double its number of power houses.

If we look at the situation we will find that the commission has adopted a very shortsighted policy, and that is why I am pleased with the proposed establishment of a fuel and power commission. The Leader of the Opposition clearly indicated that we do not have sufficient quantities of the right type of oil in Australia. Our oil is too light. When the No. 6 unit comes into operation at the Kwinana power station we will have some 900 MW produced with oil as compared with 340 MW produced with coal. A limited quantity of electricity is available from oil generation at the South Fremantle power station and the small East Perth power station.

I am concerned with the policy of the commission in the past. At a deputation to the commission, in March of this year, I raised the question with Mr. Parker—the new Chairman of the S.E.C., and I might mention that Mr. Gillies was in attendance—as to why it was not possible to extend the Muja power house at Collie. The reply I received was that it was not possible due to the limited reserves of Collie coal which were available. Mr. Parker said the commission felt it was preferable to give Collie a reasonable life rather than increase the size of the power house.

Mr. Nalder: Was that Government policy not to increase the size of the power house at Collie?

Mr. JONES: I will come to that in a moment.

Mr. Nalder: I wanted to be informed.

Mr. JONES: Mr. Parker said it was not possible to extend the coal-fired power house because of the limited reserves of Collie coal. I then asked if there was a guarantee of oil for oil-fired stations and the answer was that there was no guarantee at all. The Premier was present at the deputation when these questions were raised.

So we have the spectacle of one policy applying in the coalmining industry where a power house cannot be extended because

of the limited reserves of coal, but on the other hand, when the question of a guarantee of oil supply was raised, there was no guarantee.

Mr. Nalder: What was the reaction of the Premier?

Mr. JONES: The Premier will speak for himself. The position is quite alarming.

Sir David Brand: The Premier will tell us about the profits of the S.E.C.

Mr. JONES: The member for Greenough will have plenty of opportunity to speak when I have finished. An article appeared in the *Daily News* on the 8th May, this year, under the heading, "Empty oil wells—then what?"

The question of oil supplies should not concern Western Australia only; it should concern the other States of Australia also because the problem has already concerned the power authorities in America. In a statement which appeared in the *Coal Mining & Processing Journal* of January, 1972, the State Public Service Commission of New York issued instructions to all the power authorities in America that no coal-fired system was to go out of operation. The instruction was issued because of the threatened cut-off of oil supplies. The State Public Service Commission also wanted to know the future planning for power generation in America.

This question may not seem to be very important to some members, but it is certainly important to me. When a country such as America—and I know that others are concerned—makes such a statement through its State Public Service Commission it shows concern, and the State of Western Australia should show some concern also.

This brings me back to my point: I completely disagree with the Leader of the Country Party so far as the previous activities of the State Electricity Commission are concerned.

Mr. Nalder: That is nothing new.

Mr. JONES: Just give me time. When the Leader of the Country Party was Minister for Electricity somebody gave him certain information. I do not know who it was, but the figures to which I shall refer in a moment will prove how out of touch the previous Minister was with the situation. In 1964, we saw the headline, "30 years left for coal, says Nalder." Other estimates have been given subsequent to that statement. I must be fair to the House and say that the estimates have changed from time to time. However the Minister for Electricity at the time held the view that there were only 30 years left for coal.

The Premier at the time, Sir David Brand, went to Bunbury and made a statement to the *South Western Times* which appeared in the 15th September, 1970, issue. It read—

We must have confidence in the great natural assets of this part of the country. People must also think of the development of Collie. He believes Collie has much more coal than the Government knew of.

That is a fair statement. Just prior to this, in 1964, Sir David Brand said in answer to a question asked by the then Leader of the Opposition (Mr. Hawke) that the reserves of coal at Collie were well known following geophysical and geological examination.

Sir David Brand: There were not enough proven reserves for an enormous power house.

Mr. JONES: I want to come to my next point.

Sir David Brand: The coal will not last forever.

Mr. JONES: I refer to a report which was produced by Mr. Parker, who is now the Chairman of the State Electricity Commission, on the 29th March this year. It is possible to drive a horse and cart through the report; it is not worth the paper it is printed on. I will give my reasons for saying this. In the report Mr. Parker indicates that the present known reserves at Collie are 267,000,000 tons. When I queried Mr. Parker on the policies that had been enunciated by the State Electricity Commission and supported by the previous Liberal-Country Party Government, I asked him what the assessment was made up of. He gave a figure of 84,000,000 tons from the Muja depression, which figure is contained in the report. I asked whether that figure was obtained from the Marshall report and he said that it was. He forgot to mention and to include in his report certain information which subsequently came to light. Marshall, who was commissioned by the Liberal-Country Party Government, went back to Sydney after he had made the report indicating that there were 84,000,000 tons of extractable coal in the Muja depression and said that he had under-estimated the figure by 10,000,000 tons.

Sir Charles Court: Your union disputed the figure of 84,000,000 tons.

Mr. JONES: I suppose this is not a great deal of coal, but it is 10 years' supply, in the words of the previous Minister for Electricity. The figure must become 94,000,000 tons.

Mr. Nalder: What does your present Minister for Electricity think?

Mr. JONES: The present Minister can speak for himself.

Mr. Nalder: What does he consider is the estimate of coal?

Mr. May: A lot more than you do.

Mr. JONES: There has not been sufficient concentration. I am not suggesting that the whole power system should be coal-fired, but I am suggesting that, when economic coal is available, it should be used. This policy has been followed in other parts of the world. In South Africa at the moment the Kriel power station is being constructed to burn 7,900,000 tons of coal a year.

Sir David Brand: What reserves do they have?

Sir Charles Court: They have huge reserves and no oil.

Mr. JONES: Arnot will burn 5,500,000 tons a year. A similar policy is being embarked upon in other parts of Australia. I am not being critical, but I must protect the coalmining industry and I do not believe it has had a fair go in the past. I hope the introduction of a fuel commission will mean that the commission will go into the question of reserves a little more closely than our past history shows.

Mr. Nalder: You do not think the industry is having a fair go?

Mr. JONES: We have not had the opportunity. There was the commissioning of extra units at Kwinana before the Labor Government took office. The Leader of the Country Party may fool some people, but he does not fool me. Contracts have been signed for the sixth unit at Kwinana. Let us look at the reserves.

Sir David Brand: We do not wish to get out of the contracts we planned for the future.

Mr. JONES: I should like to refer to information given to me yesterday by representatives of the Western Collieries-Peabody venture. This shows a completely different situation. The figures which are conservative were, as I have said, given to me yesterday by Mr. Fogarty who is Superintendent of Western Collieries. He states that the proven resources of coal in the Western No. 2 area are 120,000,000 tons. Of this, 35,000,000 tons are less than 200 feet deep. The report supplied by Mr. Parker gave the figure as 10,000,000 tons, being available from the Western No. 5 open-cut. As late as yesterday, it was estimated by Mr. Fogarty that this figure should be doubled. We can find another 10,000,000 tons of open-cut coal overnight.

Mr. Nalder: He must have obtained his information from the Minister for Mines.

Mr. JONES: They have carried out a boring programme.

Mr. May: That is the advantage of having the same Minister as Minister for Mines and Minister for Electricity.

Mr. JONES: It should be appreciated that 80 per cent. of the remainder is above the 600-foot level. I will not weary members by quoting depths, because they know it is an open-cut proposition when the coal is closer to the surface. Deep mines in Collie have been sunk to 1,100 feet, 800 feet, and additional coal is available below the 600-foot level. This is in that area alone.

In a new area which has just been bored—called the Chicken Creek and Muja Series—we find another 40,000,000 tons of open-cut has been discovered at a depth of less than 200 feet. In this area a thick Muja seam which was not known to exist has been located. There are 60,000,000 tons less than 600 feet deep.

Mr. Williams: Is most of this coal extractable by open-cut methods?

Mr. JONES: I am taking the 200-foot level as an open-cut proposition and 600 feet as a deep mine proposition. This is fairly acceptable on world standards. I am merely indicating that I disagree with statements which have been made in the past. I do not know whether my views are shared by members opposite. In 1964 we heard statements to the effect that there were 30 years left for coal. A boring programme has now been carried out. This is something the industry has cried out for for a long time and certainly I have pressed for it in the short time I have been a member of Parliament. Perhaps it will be realised that a completely different picture exists in Collie so far as coal reserves are concerned.

Mr. Williams: What would be the reaction of miners, particularly, if the Government said there would be more open-cut extraction? On the figures you have given tonight, what would be their reaction to extraction by open-cut methods?

Mr. JONES: In the interests of security a sensible policy must be adopted so that our reserves will remain on an economic keel. It would be stupid when coal can be mined easily to go 600 feet to get to other deposits. I am sure the member for Bunbury would not subscribe to that.

Mr. Williams: No, I merely wondered what their attitude would be.

Sir Charles Court: They would be pleased with the policy followed by the Brand Government which attempted to do just that.

Mr. JONES: We are looking for more coal. I refer to a question asked on Tuesday, the 2nd May. Millions of tons of reserves of coal are still available from the deep mine, because the percentage rate of extraction in the worked out mine at Collie is low. I will not weary the House, but it is true to say that much more coal is available at Collie than was previously supposed or even considered by the State Electricity Commission. All I ask in the consideration of our future power policy is that the

thinking of the State Electricity Commission, as expressed in the past, will change. Even Mr. Parker was not aware of the reserves. In fairness to him I say that he was not aware of the coal which has been discovered. If in the past the commission has thought that it could only build at Collie a station comprising four 60-megawatt units due to the limited reserves, perhaps this information will change the situation in the future. Unlike the Leader of the Country Party I am not happy, for the reasons I have stated, with all the policies implemented by the State Electricity Commission.

Mr. Nalder: I only gave credit where I thought it was due.

Mr. JONES: Fair enough. This is the place to say that I do not go behind anybody's back.

I would now like to refer to clause 11. The commission is to comprise three members. I would not like the commission to be overloaded with officers of the State Electricity Commission. It may be said that is not possible, but subclause (1) provides for one representative of the State Electricity Commission and a representative of the Public Service. I hope the representative of the Public Service will not also be the chairman of the State Electricity Commission because it could mean there would be two representatives of the State Electricity Commission on the board. I would like the Minister to consider the insertion of a subclause to provide that not more than one representative of the State Electricity Commission shall be on the board at any one time.

Mr. Williams: That clause provides that the representatives of the Public Service will be from the Department of Development and Decentralisation and the Department of Mines.

Mr. JONES: That may be so, but as I see it that representative could be the chairman of the commission.

I notice that moneys are being made available for coal research. In the June, 1972, issue of *Natdev* it is stated that a technique for research into coal ash emission has been applied successfully at the Liddell power station near Muswellbrook, New South Wales. I wonder whether any similar research has been done on Collie coal. The supplement states that an amount of \$1,002,700 was made available for coal research last year. I wonder whether this State has had a share of those moneys as other States have. I wonder whether any thought has been given to this very important research.

I support the Bill in principle. The coal-mining industry supports the Bill. I entirely agree with the Leader of the Opposition that this is one of the most important pieces of legislation to be placed on the Statute book of this Parliament. The commission will have an important

task. It must look at costs and I hope it will look at all aspects of power generation in order that not only outside industries but also the coalmining industry may benefit from industrial expansion in the State.

**MR. MAY** (Clontarf—Minister for Fuel) [9.43 p.m.]: I thank the members who have contributed to the debate on this very important Bill. As the Leader of the Opposition said, it is a significant measure. The speech made by the Leader of the Opposition was parallel to the report that appeared in the *Australian Miner* of the 31st July of this year, following his return from the international conference in Kyoto on resources, energy, and the environment. It is a pity the House was not in a position to receive a full report on that conference from the Leader of the Opposition. I am sure such a report will, if requested, be made available to the commissioner when he is appointed.

We have placed a great deal of importance on the appointment of the chief commissioner. We will require a man with considerable expertise not only as regards natural gas but also as regards uranium, nuclear power, and every other type of fuel and power. We do not think there is such a man in Australia. We have already looked around and we have found we may be able to obtain the services of a man who has certain attributes but not all the attributes necessary to ensure that this job will be carried out in the way we require. We hope this Bill will be transmitted through both Houses quickly so that we can advertise as early as possible. We feel we must get down to this job immediately.

We recently had an interview with Sir Reginald Swartz, the Minister for National Development, who indicated that a decision would soon have to be made about the location of a uranium enrichment plant. From the information he passed on to us, the Deputy Premier and I inferred that Western Australia would not be considered. We objected strongly and asked the reason for not considering Western Australia. The Minister said the reason concerned fuel and that Queensland had the fuel. We said, "What about the natural resources in Western Australia? What about our natural gas?" The Minister said he would give careful consideration to Western Australia. For this reason, we want the commission to be appointed as quickly as possible so that it can undertake the appropriate inquiries to ensure that Western Australia is kept very much to the fore when consideration is being given to the location of the uranium enrichment plant.

We hope to be able to arrange for the chairman of the commission to appoint his advisers. The Leader of the Country Party was concerned that the commission might

be overloaded. However, this is the initial Bill which will be considered by Parliament. It will be put into effect by the chairman of the commission, when appointed, and we must ensure that it contains everything necessary to enable the chairman to comply with the wishes of Parliament.

When the Leader of the Country Party was speaking I tried to indicate that there will not be a set number of members of the council. It will be a flexible body. We do not want the council to be tied down to a large number of members who may be dealing with subjects they do not understand. We want to have certain permanent members of the council with power to co-opt people with particular expertise which may be required at various times, be it in the field of coal, natural gas, nuclear power, or any other industry. We do not want to have a member coming up from Collie or down from Dampier to attend a meeting at which his particular sphere will not be discussed. When the chairman is appointed he will be asked to look into the areas from which it is hoped to draw this expertise so that he can say, "This is the man I want." We want him to be unrestricted. He will be the top man and he will be responsible to the Minister or the Government.

The Leader of the Country Party was also concerned that these people would be serving only in an advisory capacity. When a commission is appointed by Parliament and is made responsible to the Minister and the Government, we feel it is incumbent upon Parliament to ensure that the commission operates in an advisory capacity. We cannot be mandatory about this. The commission will consider a particular subject, discuss it, and call for any evidence that is necessary.

Provision has been made for secrecy, and it will be strictly adhered to. If files containing secret information are called for, members can rest assured they will not be made available. They will only be made available to the commission so that it can carry on with its work.

**Mr. Lewis:** How many members would you estimate would be necessary on this council?

**Mr. MAY:** It all depends on the various facets of industry. As I say, it is flexible. Only about 10 council members would be required at any particular council meeting, but this would not include the chairman or the three commissioners. It is included in the legislation that one of the commissioners can preside over the council meeting so that the commission has always got its finger on the pulse. We feel this is essential so that there is continuity even if the chairman is out of the State or up north.



Mr. Nalder: This situation has not been accepted in any other instance. Is there a commission such as you envisage in other States?

Mr. MAY: I discussed this particular legislation with the Minister for Fuel in Victoria and the Secretary of the Fuel and Power Commission on Friday. A different system prevails in Victoria because the Minister and secretary are in complete charge of the Fuel and Power Commission. These people indicated to me that they thought our proposed legislation was particularly good because it gave the Minister the chance to collect information from any area. The idea of the commission was evolved in close co-operation with the fuel industries in Western Australia. Meetings have been held weekly and Mr. Parker, the current acting chairman, and I have met with representatives of the Chamber of Mines, the Chamber of Commerce, and the Chamber of Manufactures. It has been agreed that this is the best possible way to promote a commission of this type. These representatives see the need for it, and as the Leader of the Opposition and the Leader of the Country Party have said, this is a project of magnitude and the people have not yet realised what can happen.

Mr. Nalder: I am not critical at all.

Mr. MAY: I realise that. We have tried to make the people aware of the problem. We have issued Press statements pointing out the significance of fuel and the big impact it will have on development in Western Australia.

To get back to the points raised by the Leader of the Opposition, we have not lost sight of the international situation or international needs. We will look very closely at the industrial needs not only of Western Australia, but of Australia generally, before any thought is given to exporting natural resources. We will not export natural resources until we have gone into this very thoroughly. This matter was brought up at a conference with Sir Reginald Swartz who indicated that he goes along with our thinking on this matter. I put up to him the idea that it is time we had a natural resources commission so that we can pool our needs and make sure we look after Australia's needs before natural resources are exported.

If we look at the situation with Woodside-Burmah on the North-West shelf, it is quite obvious that we have to export natural gas before there is a cash flow. If oil is discovered, as we hope will be the case very shortly, there will be an immediate cash flow. However, we cannot expect a capital industry to get off the ground quickly unless we agree to export natural gas.

Japan and America have already made strenuous approaches, not only to the company but also to the Government, for

a supply of natural gas. Once again we have told them that we cannot talk about this until we define Australia's needs. There is only one area from which it would be logical to export natural gas and this is from Scott Reef, which is about 200 miles north of Broome. This is on a small atoll and it would be necessary to set up a plant on the atoll. It would also be out of the question to pipe the natural gas to Broome to be liquified.

The natural gas from the Scott Reef area could be used immediately for export and this would allow Woodside-Burmah to earn a cash flow.

Mr. Nalder: From what you have said, the likely export of any fuel would only be on a short-term basis. In other words, the fuel would only be exported under certain conditions.

Mr. MAY: The export would not be on a short-term basis. We would have to ensure sufficient natural gas was available to meet Australia's needs for a long time. It is no good setting up a liquification plant at Roebourne or Dampier for a short time. To pipe gas to Perth would cost in the vicinity of \$250,000,000.

Mr. Nalder: Only the excess of our requirements would be exported. If we needed extra fuel it could be diverted for our own use.

Mr. MAY: I think we will find that this will be a Commonwealth matter because the export of any natural resource has to be approved by the Commonwealth Government. We can tell the Commonwealth Government what we feel should happen, and in recent times we have had very close co-operation in regard to the export of our natural resources.

I would like to quote from an article in one of our newspapers. It says—

However, in Australia up till the present time, the major preoccupation has been in finding large reservoirs of natural energy resources.

Utilisation of these resources, whether petroleum or coal or uranium, has been a secondary consideration.

However, it is time that the question of proper uses of our fuels was taken out of the political arena and brought into a perspective that it deserves: That of a matter of national importance.

Tonight the Leader of the Opposition hit the nail right on the head when he said this is above politics. It is a project of magnitude and a controlling body is required in Western Australia. While I am Minister for Fuel I will ensure that we appoint men who can do the job. If we appoint an overseas expert, we will ensure that he will comply with the wishes of the Government.

I wish to deal briefly with the State Electricity Commission. This seems to be the cow which everyone wants to milk but nobody wants to feed. There has been a great deal of talk about the profits of the S.E.C. and the fact that charges have been increased. If we look at past performance we will see that insufficient financial assistance was given to the S.E.C. by the previous Government out of loan funds. It will also be seen that the revenue received by the S.E.C. has been very largely spent in capitalisation. If the S.E.C. had been given loan money progressively the way it should have been, it would not be in its present situation. This is one of the reasons for the increased charges. So it must not be thought that the S.E.C. is making a profit.

Mr. Nalder: The Premier may want to say something himself.

Mr. MAY: As everyone says, the Premier can speak for himself and he does it very well.

The S.E.C. is doing a very good house-keeping job. I have no axe to grind. I have discussed a number of areas of concern with the general manager and the chairman but we usually reach agreement on what we think to be in the best interests of the S.E.C. The S.E.C. administrators do not have the time nor the expertise to look further ahead than their current charter.

The member for Collie mentioned his worries about the coal industry and the S.E.C. I interjected when the Leader of the Country Party was speaking and I mentioned the Premier's foresight in amalgamating the portfolios of Mines and Electricity. One reason for this is that the Mines Department decided to grant extra leases to Western Collieries to embark on a \$400,000 drilling programme. For years a certain gentleman in Bunbury has asked why the Government has not diverted money for drilling in Collie to prove the reserves.

A few people have come here from the Eastern States and after a certain period of time have written up a report saying, "This is the extent of the Collie coalfield." That is wrong. I understand—and I am not fully conversant with the information in the possession of the member for Collie because, as he said, he received it only today—that the drilling programme now being conducted by Western Collieries is proving that there are more reserves of coal than were ever thought to be there.

As a result of the drilling programme carried out by Western Collieries, the Griffin company has asked for more reserves so that it may grid drill the Collie basin, because it is now quite obvious that there is more coal in Collie than was thought to be the case.

The S.E.C. is in an invidious position because it consumes 98 per cent. of the coal produced at Collie. In Victoria the State Government owns the coalmines. That State has a Pipeline Commission, a State Electricity Commission, and a Fuel and Power Commission. When I was in Victoria on Friday the Victorian Minister admitted that our legislation is good legislation. He said he felt that it would be acceptable to all concerned in Western Australia. I had quite a long discussion with the members of the commission in that State.

I do not intend to say much more because I feel we can discuss any other matters in Committee. I would like to indicate to the member for Collie that, as the member for Bunbury said by way of interjection, a member of the Department of Development and Decentralisation and a member of the Mines Department are to be the Public Service representatives. I attempted to interject when he was speaking, but the member for Bunbury interjected and said this.

We have gone into this thoroughly and I cannot see that there will be a duplication of representation on the commission. I feel the apprehensions of the member for Collie are personal; and the committee which has considered this matter feels that there is ample safeguard. I assure him that as far as I am concerned only the best available people will be appointed to the commission. We will have to wait and see how the chairman views the situation after he is appointed.

I have already indicated that the Government desires to move a further amendment in the Committee stage. I have made available to both the Leader of the Opposition and the Leader of the Country Party a copy of the amendment. It has been discussed with industry and with the various interests which will be represented on the commission. They have accepted the amendment, and I hope it will be accepted in this Chamber tonight. I trust the Parliament will give this measure a quick passage so that we can arrange for the appointment of the chairman and for all the matters contained in the Bill to be considered expeditiously.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (Mr. Bate-man) in the Chair; Mr. May (Minister for Fuel) in charge of the Bill.

Clause 1: Short title—

Sir CHARLES COURT: I am intrigued as to why the Bill has been styled the Fuel, Energy and Power Resources Act, whereas in fact in most cases later on only fuel and power are referred to. There are, of course, three separate functions of fuel, power, and energy; but on the other hand I tend to

think in terms of "energy," and I suppose most people think in terms of "power." For instance, in the definitions "Commission" means the Fuel and Power Commission of Western Australia. Would the Minister give a brief explanation of the reason for this? Knowing the people who drafted the Bill, I am sure there would be a reason for it.

Mr. MAY: The commission was originally to be called the fuel and energy commission, but because it is closely aligned with the S.E.C. we felt it should be altered to include the words fuel, energy, and power. However, the title was suggested by the chambers which dealt with the matter in close association with the previous Minister, myself, and Mr. Parker. I am afraid I cannot give the exact reason why the word "energy" has not been included in the title of the commission.

Mr. Williams: Isn't it likely that within the next several years energy will be used instead of power?

Mr. MAY: That could well be so. I envisage that in the future the S.E.C. will be phased out and will become an adjunct of the fuel and power commission. Probably that is the reason. However, the chambers with which we discussed the matter agreed with this.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Administration of fuel and power legislation—

Sir CHARLES COURT: I think it is important that the Committee pause at this stage because subclause (2) of this clause refers to the first schedule, and says that the Acts specified in it shall be placed under the control of the Minister responsible for the administration of this legislation. The following Acts are specified:—

Electricity Act, 1945.

State Electricity Commission Act, 1945.

Liquid Petroleum Gas Act, 1956.

Gas Standards Act, 1972.

Gas Undertakings Act, 1947.

This means the Minister in charge of this legislation must also be the Minister responsible for the administration of those Acts. I take it that I have placed the correct interpretation on it. It is rather unusual to go so far in an Act of Parliament as to specify what will be the allocation of portfolios to a Minister. I cannot recall it happening before. I take it that is the intention?

Mr. May: Yes, that is the intention.

Clause put and passed.

Clause 6: The Fuel and Power Commission of W.A.—

Mr. NALDER: I wish to draw the attention of the Minister to that which is contained in subclause (2) (a) of this clause and, in particular, subparagraph (ii). I made reference to the situation

during my second reading speech; namely, the authority this new commission is to have over the S.E.C. It would seem to me that the S.E.C. will, in the future, be advised, or dictated to, in regard to what it shall do so far as extending its powers to particular areas is concerned. For example, in the past, action taken by the S.E.C. in constructing powerlines that affect forest reserves or affect the environment by being taken across roads, etc., has been criticised. It would appear to me that under this subclause the new commission will take over that authority previously held by the S.E.C. and advise it what it shall do, otherwise for what reason is this clause included in the Bill?

Mr. MAY: If the Leader of the Country Party will study the wording at the beginning of paragraph (a) of subclause (2) he will note that the proposed commission will only confer and collaborate with the State Electricity Commission. There will be no direction whatsoever on the part of the new commission, and there will be no direction so far as decentralisation is concerned. Also, further down page 3, in paragraph (b) of subclause (2), it will be noted that the commission shall consult with and take into consideration the views and requirements of industrial and commercial interests. The principle behind the subclause is one of mutual association so that the proposed commission can discuss these matters with other bodies rather than give direction.

Sir CHARLES COURT: The question of fuel, energy, and power arises here in rather a significant way, and I invite the attention of the Minister to it. It is rather unfortunate that in naming the proposed commission it is to be known as the fuel and power commission.

We have to accept the fact that the function of the commission will not be a question of only fuel, energy, and power, but one of fuel and energy, because it will be involved in a tremendous field in regard to the use of fuel and energy. Power will be one of its activities, but the other activities of the commission will be much more important, because people who will be wanting energy as a reducing agent could, within a decade, become the largest users of fuel in this State.

I do not want to move an amendment to the clause, but I would like the Minister to give some thought to what I have said. I think the question has been overlooked because of the popular use of the word "power" in this State. The important factor we are deliberating this evening is energy.

Mr. J. T. Tonkin: I have the greatest difficulty in making a distinction between the two. Could you say what it is?

Sir Charles Court: It is a technical matter, and I think, one of importance.

Mr. MAY: The short title of the Act will be the Fuel, Energy and Power Resources Act, and I think the title given to the commission is just an abbreviated version of the title. I will have the point looked at by the Parliamentary Draftsman, and if it is found there is no objection to the word "energy" being included in the title of the commission, I will give the assurance that the word will be included, by amendment, in another place.

Clause put and passed.

Clause 7: Duty of the Commission—

Sir CHARLES COURT: The query I have is rather vital, and I hope the Minister can give us an answer to it because it opens up an entirely new vista so far as the operations of the commission are concerned, and one that I assume was not intended. If my understanding of the word "undertake" is correct—and the legal definition given to me today indicates that I have the right understanding—in paragraph (d) of subclause (1), the word "undertake" implies there will be a major undertaking, or some physical activity, as distinct from the question of assessing, studying, and evaluating, etc., to enable the Government of the day to have basic policies that are not only imaginative but also anticipate the future needs of the State.

With the aid of his notes, can the Minister explain to us why the word "undertake" has been included in paragraph (d) of subclause (1), because it means just what it says? Before he comments on that query, I invite the Minister's attention to subclause (1) of clause 9 on page 6 of the Bill. If he reads that subclause, I think he will agree that Parliament, through clause 9, is giving the commission power to undertake these particular developments which I understood were quite foreign to the function of the commission.

Mr. MAY: This matter was discussed at length and our view was that at some time there may be a possibility of this being done by the commission; that is why I mentioned it was necessary that it should have these financial powers in the hope the Government may become involved in the construction of a particular pipeline, for example. After recent discussions with the Commonwealth Government, we feel it is looking very closely at assisting in areas of infrastructure, but rather than assisting with the construction of a town-site, it would rather assist in the construction of a water pipeline or a natural gas pipeline which would benefit the whole State rather than one particular area. We thought that by including the word "undertake" the commission, at some future date, could be involved in the construction of a pipeline, and this is one of the reasons that the word "undertake" was included.

Sir CHARLES COURT: This only adds to my concern about the use of the word, because I would have thought that, in normal circumstances, if the Government wanted a pipeline constructed, such as that stretching from Dongara to the city, this would be the function of the State Electricity Commission. This was also one of the points raised by the Leader of the Country Party; that is, he was inquiring as to whether there would be an overlapping of its functions. If it is the intention of the Government—and I am rather interested that the Minister has raised this point and given an explanation for it—that a pipeline might be constructed by this commission, say, from Dampier down to Geraldton, or to where the Murchison iron ore deposits will be transported for processing it takes on a different complexion altogether. My understanding was that the commission would not enter this field of operations, but at that point the work would be handed over to the State Electricity Commission, or some other body, such as was done with the construction of the pipeline down to Pinjarra or Kwinana.

However, if the intention of the Government is to be along the lines explained by the Minister, I am pleased he has been so frank about it. I say in all sincerity that this cuts across the objectives of the commission which is to operate in an entirely different field from that covered by the S.E.C. which is not only selling gas but is also generating and selling power.

Mr. MAY: As the Leader of the Opposition said, this piece of legislation looks to the future. The intention behind this provision was to leave the commission uninhibited in every way. It will not cut across the functions of the S.E.C. I would point out that the S.E.C. was not involved in building the pipeline from Dongara to Pinjarra; a private company did that.

The private companies, over the years, have been getting tired of being required to supply infrastructure and other facilities. They feel this is the obligation of the Government, whether it be the State or the Commonwealth Government.

I think the time the pipeline is required by the commission will be when we are giving consideration to the S.E.C. coming within the ambit of the proposed fuel, energy and power commission. We are endeavouring to cover all aspects and to make the legislation as wide as possible so that the commission will not be inhibited. Obviously the Government will not be able to supply the finance to build the \$250 000 000 pipeline from Dampier to the south, but the commission is not to be restricted if it wants to look into this area of investigation.

Sir CHARLES COURT: I want to make sure there is no misunderstanding of the view of the Opposition on this point. As I

understand the Minister's last explanation, added to the earlier one he gave, he foreshadows the day when this commission will be a trading concern. That was not my understanding of it at all. Apart from clause 9(1), clause 8(d) on page 5 refers to the activities of the commission. It states—

- (d) to engage in any activities which can, in the opinion of the Minister, advantageously be conducted by the Commission with a view to making the best use of the sources and supply of fuel, energy and power available whether originating in the State or elsewhere and in particular to—

Then it lists a number of items which are only indicative, but are not exclusive.

Does the Minister foreshadow that at a given time this commission, quite independent of the S.E.C., will build a gas pipeline from, say, Dampier to the southern part of the State and go into the gas selling business? To instance a case, if the ores from the deposits at Mt. Gould and Mt. Hale were brought into or near Geraldton and had to be processed so as to be marketable, and gas was used for this purpose, would this be a function of the new commission? I would have thought that if a private company was not prepared to build this as a straightout business transaction, the S.E.C. would do that under its charter.

If there is any other function the Minister can think of perhaps he can tell us now. It may be that we on this side are over-restrictive in thinking in terms of gas, because there are other forms of fuel which may be used later on. Can the Minister tell us whether the possibility exists for a trading operation to be set up?

Mr. MAY: No, it is not the intention for the commission to become a trading concern. The intention is to enable it to undertake investigations into areas where it feels it is able to assist in the distribution of our natural resources at the lowest possible cost. Whilst I agree it is the function of the S.E.C., once again I would point out that by the time we are ready for using natural gas, or any other natural resource, the S.E.C. will probably become part of the commission. There is no specific reason for the particular wording to appear in the Bill, apart from the fact that we do not want the commission to be restricted in any way.

If in the future the Commonwealth Government decided money was available for the building of a pipeline then it would be the duty of this commission to make investigations and to ascertain the most appropriate areas which the pipeline could serve. That is the only reason for the wording to be inserted in the clause.

Sir Charles Court: How do you expect the commission to be remunerated for its investment, if it were to invest \$100,000,000 to build a pipeline? Naturally the commission will use that pipeline to convey gas. It will not do that as a charitable exercise; the pipeline will be built to carry gas for sale.

Mr. MAY: If there is any area in which the Commonwealth can assist then the conditions laid down will be investigated, so as to determine the amount of money that is required. If the Leader of the Opposition would like me to clarify the point further I can arrange to obtain more information and let him have it at the third reading stage.

Sir Charles Court: If it is supplied at the third reading stage it will be helpful. The words in question, taken literally and in the light of the Minister's explanation, indicate that the commission will be extended far beyond what is intended.

Mr. MAY: Does the Leader of the Opposition feel the commission should be restricted?

Sir Charles Court: I do not think the commission should go into the construction of a pipeline and the conveying of gas; I would think that is an undertaking for the private sector to set up by agreement with the Government, or for the S.E.C. to set up.

Mr. MAY: What would be the position if the Commonwealth Government decided to assist in building the standard gauge railway line between Kalgoorlie and Leonora? In that event the company would not pay the cost, and the Commonwealth would provide the money to assist in developing the area generally.

Sir Charles Court: In that case there is a 90 per cent. chance of the railway line becoming part of the W.A.G.R. system.

Mr. MAY: I imagine it would.

Sir Charles Court: Why would this other undertaking for gas not become part of the S.E.C.?

Mr. MAY: I cannot debate that matter now. I will ascertain the reason and bring the matter up again at the third reading stage.

Clause put and passed.

Clause 8: Functions of Commission—

Mr. NALDER: I refer to the words which appear in paragraph (d) (iii) which states—

- (iii) undertake investigations, inspections and prosecutions;

From what the Minister said in his second reading speech I was under the impression that at least for a period of time the personnel of the commission would not be very large in number. Will the Minister

indicate whether the commission will comprise a large number of officers, and will it operate as a department?

I want to make this point: Does the Minister expect a large number of officers to be engaged, because the commission will be required to undertake investigations, inspections, and prosecutions? Alternatively, is it the idea that the commission will comprise a small number of officers, and if required the services of other people can be called on to give advice?

Before I conclude I would like to ask the Minister also whether it is the intention that the commission be responsible for prosecuting people in every respect.

Mr. MAY: No, only what is contained in the Bill.

Mr. NALDER: Can the Minister give some indication as to the number of people who will be involved with the commission?

Mr. MAY: Firstly I would like to say that we have already seconded several officers from various departments to provide the necessary machinery to get this legislation off the ground pending the appointment of the commissioner. We will not be appointing any other officers until he has arrived in the State and had a look at the situation. We will then have the benefit of his wealth of knowledge and experience.

Initially an office will be provided in the Terrace. He will appoint the officers he feels essential for the investigations of the commission, but specialised officers will be appointed to look into marketing, pipelines, coal, drilling at Collie, and offshore development.

Mr. Nalder: Won't this result in duplication? Surely you will not have someone drilling in Collie when the Mines Department—

Mr. MAY: It is not the duty of the commission to drill but to ascertain the resources.

Mr. Nalder: In this particular case they will request the Mines Department for this information?

Mr. MAY: They will get the information from the departments already established.

Clause put and passed.

Clause 9: Powers of the Commission—

Mr. NALDER: Subclause (2) substantiates what I said earlier; that is, that the commission would have the power and authority to co-opt any officer or person it required. I repeat that I do not believe it necessary to establish a council in the early stages of the operation of the commission. The Bill contains a tremendous amount of detail concerning the council and in my opinion the Government is wasting time. If it is felt a council is necessary in, say, five years' time, then that would be the time to establish

one. I repeat that any officer from any department can be seconded; and that industry would be only too eager to assist the commission in its inquiries.

### Progress

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

House adjourned at 10.37 p.m.

## Legislative Council

Wednesday, the 16th August, 1972

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

### QUESTIONS (21): ON NOTICE

#### 1. NATURAL GAS

##### Cost to Consumers

The Hon. R. THOMPSON, to the Leader of the House:

- (1) What is the price per unit of Natural Gas being supplied to consumers by—
  - (a) State Electricity Commission.
  - (b) Fremantle Gas and Coke Company?
- (2) Has the Government considered the purchase of the Fremantle Gas and Coke Company?
- (3) What would be the cost of absorbing this company into the State Electricity Commission?
- (4) Is it considered equitable that consumers serviced by the Fremantle Gas and Coke Company should pay more for the same commodity than their Perth counterparts?

The Hon. W. F. WILLESEE replied:

- (1) (a) and (b) Tariffs from the State Electricity Commission and the Fremantle Gas and Coke Company are Tabled herewith.
- (2) Yes.
- (3) Updated information is not available.
- (4) Charges paid for gas in the Fremantle area are reasonable when the conditions of public company supply are taken into account. It is beyond the financial capacity of the Government to change these conditions at this stage.

*The tariffs were tabled. (See Paper No. 234.)*