

# Legislative Assembly

Thursday, the 19th September, 1974

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

## QUESTIONS (30): ON NOTICE

### 1. PINJARRA HIGH SCHOOL

#### Fire

Mr SHALDERS, to the Minister representing the Minister for Education:

- (1) Was the physical education equipment storage room recently destroyed by fire at the Pinjarra Senior High School covered by insurance?
- (2) If so, has a claim been made and met in respect of the damage?
- (3) If "Yes" to (2), when is it anticipated that a replacement building will be provided?

Mr MENSAROS replied:

- (1) No.
- (2) and (3) Not applicable.

### 2. PINJARRA SCHOOL

#### Staff Room

Mr SHALDERS, to the Minister representing the Minister for Education:

- (1) What work is contemplated in respect of staff room facilities at the Pinjarra primary school?
- (2) Will any action contemplated in respect of (1) be carried out at the same time as an additional classroom and staff toilets are built at that school?

Mr MENSAROS replied:

- (1) The need for improved staff facilities is recognised but work cannot be undertaken in the present allocation.
- (2) The work which has gone to tender includes an additional classroom and modifications to the administration area.

### 3. LOTTERIES

#### Agencies

Mr SIBSON, to the Chief Secretary: Is he aware of certain situations existing with the Lotteries Commission, in particular—

- (a) due to non availability of books, new agencies cannot be established;
- (b) that agencies are restricted in number because the appointment of new agencies would create competition for existing agencies?

Mr STEPHENS replied:

- (a) Because of the abnormal public support for lottery tickets at present, there is naturally a greater demand from the agents for any additional tickets for sale. This in turn does impose some restrictions on the availability of tickets to agents generally. New agencies are being established, but obviously on a more selective basis.
- (b) Having regard to answer (a) above, the appointment of new agencies is considered in the light of existing lottery ticket outlets in the area.

4. *This question was postponed.*

5.

## TEACHERS

### Training Colleges: Boards

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

- (1) Who are the members of the boards of each of the teachers colleges at the present time and of what "interests" are they representative?
- (2) Who are the members of the Council of the Teacher Education Authority and under which paragraphs of section 10 are they appointed?

Mr MENSAROS replied:

Mr Speaker, I wish to table the answer.

*The answer was tabled (see paper No. 241).*

### 6. REGIONAL SUPERVISORS OF EDUCATION

#### Appointment

Mr P. V. JONES, to the Minister representing the Minister for Education:

- (1) Is it the intention of the Education Department to appoint persons known as "regional supervisor of education"?
- (2) If "Yes" how many of such persons will be appointed and to which regional centres?

Mr MENSAROS replied:

- (1) No such appointment is envisaged in the near future.
- (2) Not applicable.

7.

## PREMIER

### Personal Explanation on 14th September, 1972: Comments

Mr JAMIESON, to the Speaker:

Is the matter contained in question 29 on 6th August, 1974 still subject to the *sub judice* rule of Standing Orders?

The SPEAKER replied:

If the writ in question is still existing the answer is "Yes".

8.

## ROADS

*Metropolitan Local Authorities:  
Expenditure*

Mr MOILER, to the Minister for Transport:

- (1) Would he provide in some suitable form the comparative expenditures of all metropolitan local authorities on road works for the year ended 30th June, 1973, as disclosed by statements form 6F submitted to the Main Roads Department and itemising—
  - (a) expenditure from local authorities' own resources;
  - (b) Main Roads Department—recoups;
  - (c) programmed roads;
  - (d) other roads?
- (2) In respect of the "local authorities' own resources" expenditure referred to in (a) would he please further analyse this to show amounts expended from—
  - (a) municipal funds;
  - (b) loan and reserve funds?

Mr O'CONNOR replied:

- (1) and (2) The answers to the questions asked by the Member will take a little time to collate. I will arrange for the information requested to be conveyed to him as soon as it is available.

9.

## ROADS

*Available Funds*

Mr MOILER, to the Minister for Transport:

- (1) Would he inform me of the total sum of road funds which were at the disposal of the State in 1973-74 and what amounts were—
  - (a) spent by the Main Roads Department; and
  - (b) allocated to local authorities for expenditure by them?
- (2) Would he provide similar figures as estimated for the 1974-75 year, including amounts for national roads on the assumption the work will be done by the Main Roads Department on a recoup basis for the Commonwealth?

Mr O'CONNOR replied:

- (1) \$72 577 131.
  - (a) \$52 211 040.
  - (b) \$20 366 091.
- (2) \$76 300 000.
  - (a) \$55 790 000.
  - (b) \$20 510 000.

10.

## ABATTOIRS

*Meat Inspection*

Mr H. D. EVANS, to the Minister representing the Minister for Health:

- (1) Can meat from animals slaughtered in an abattoir where a health inspector does not carry out an examination be sold in towns other than the one in which the abattoir is located?
  - (2) Does a responsibility rest with the local governing authority or the Public Health Department to ensure that meat coming from abattoirs which do not have the services of a health inspector is in fact inspected, and if so, with whom does the responsibility rest?
- Mr RIDGE replied:
- (1) Yes.
  - (2) The local governing authority; but where a local authority is not providing an inspection service and is capable of doing so, the Commissioner of Public Health is empowered to require that the service be provided.

11.

## APPLES

*Exports: Commonwealth Financial Assistance*

Mr H. D. EVANS, to the Minister for Agriculture:

- (1) Is the Western Australian Government involved in the current discussions between the Apple and Pear Corporation and the Commonwealth Minister for Agriculture regarding assistance for the export apple industry in 1975?
- (2) Are preliminary figures for apples expected to be exported from Western Australia in the 1975 season yet available, and if so, what are they?
- (3) Will the Western Australian Government extend financial assistance to the apple export industry in 1975, and if so, to what level?

Mr McPHARLIN replied:

- (1) and (2) No.
- (3) Advice has been received from the apple export industry that an approach for financial assistance will be made. Appropriate meetings with industry representatives are to be held and financial assistance will be considered after all aspects have been examined, including arrangements made by the Australian Apple and Pear Corporation and the Australian Government policy on apple exports.

12. RAILWAYS

*Collie: Fetting Gang*

Mr T. H. JONES, to the Minister for Transport:

- (1) Due to the additional tonnages of coal to be transported from Collie, is it a fact that the Collie fetting gang has been engaged on the upgrading and construction of new sidings for some weeks and as a consequence general maintenance work in the area is not being carried out?
- (2) If so, will he give immediate consideration to the employment of additional men in the gang?

Mr O'CONNOR replied:

- (1) The Collie gang, together with a mobile gang is engaged in this work. Essential maintenance is being performed with the assistance of the Brunswick gang.
- (2) Five additional men are already employed in the Collie gang. Further engagements will be made if the necessity arises.

13. TRAFFIC

*School Crosswalks: Attendants*

Mr T. H. JONES, to the Minister for Traffic:

- (1) When school crosswalk attendants are appointed are they issued with instructions regarding their duties?
- (2) Is he aware that a number of attendants controlling crosswalks in the metropolitan area stop traffic to permit one child or small groups to use the crosswalk which interferes with the flow of traffic at peak hours?
- (3) If attendants are not issued with instructions or personally advised of their duties, will he have the matter examined?

Mr O'CONNOR replied:

- (1) Yes, crosswalk appointees are issued with general instructions.
- (2) Yes. Where it comes to the attention of Police staff supervising crossing attendants, the attendant is re-instructed in the manner he is required to work.
- (3) Answered by (1) and (2).

14. TRAFFIC

*Motor Vehicle Licenses: Letter from E. Payne*

Mr T. H. JONES, to the Minister for Traffic:

- (1) Did he receive a letter from E. Payne dated 9th September, 1974 concerning license and traffic control?
- (2) Does he intend answering the letter?

Mr O'CONNOR replied:

- (1) A letter was received at my office on 12th September from Joan E. Payne querying drivers' license classifications.
- (2) A reply is being prepared in answer to her questions. I might say that if the Member knows of any letters warranting a reply by me, and not replied to within a reasonable time, I would be pleased to hear of them, and take appropriate action.  
If all Members asked questions of Ministers regarding all letters not answered within six days of receipt, too much time would be spent on irrelevant matters—as has been done recently—instead of getting down to the business this House should be doing.  
The nature of this question would indicate the Member is struggling to find and to ask genuine questions in this House.

15.

TRAFFIC

*Motor Vehicle Licenses: New Scale of Fees*

Mr T. H. JONES, to the Minister for Traffic:

- (1) Is it correct that vehicle owners are being issued with new license notices involving the higher rates of license fees as contained in the legislation before Parliament?
- (2) If this information is correct under what authority is the action being taken?

Mr O'CONNOR replied:

- (1) Yes, as from 10.30 a.m. 18th September, 1974.
- (2) Section 9 (5) of the Traffic Act provides that a person may renew a vehicle license one month before expiration. The department in the interests of the public had no alternative but to issue the renewals after being assured the Bill had passed both Houses of the Parliament.

16.

RAILWAYS

*Mullewa-Meekatharra Line: Speed Limit*

Mr T. H. JONES, to the Minister for Transport:

Is the following information correct—

- (a) a speed limit of 25 mph is imposed on the Mullewa-Meekatharra section of railway line;
- (b) only bogey trucks can be used on this section;
- (c) unless a major reconstruction programme is carried out on this section of line it has a life of only two years?

Mr O'CONNOR replied:

- (a) Generally the speed limit is 30 mph with speed restrictions in isolated areas on account of condition of track.
- (b) Other wagons can be used, but bogies are essential for 30 mph speed limit.
- (c) No. A rehabilitation programme is currently in progress involving re-sleeping, rebalasting, tamping and lining. This should extend the life of the section well beyond two years.

## 17. ROADS

### *Signs and Equipment: Finance*

Mr McIVER, to the Minister for Transport:

In relation to the Main Roads Act Amendment Bill, what provisions are there and in what specific section wherein local authorities can expend finance on road signs, plant, trucks, depot maintenance, etc.?

Mr O'CONNOR replied:

Section 32 subsections (3) (c) and (4) (d) refer to expenditure on construction and maintenance which are defined in subsection (2) (d) as having the same respective meanings as in the Federal Roads Grants Act, 1974 and the National Roads Act, 1974. These Acts refer specifically to road signs and road making plant. It is expected that depot maintenance will be covered in "Administrative Instructions" from Federal authorities when the Acts are passed by the Federal Parliament.

## 18. ALWEST PROJECT

### *Approach to Commonwealth*

Mr MAY, to the Premier:

- (1) Have the State Government and representatives of the companies involved in the Alwest project completed arrangements for a package deal to be presented to the Australian Government?
- (2) If not, when is it anticipated this will be done?

Mr McPharlin (for Sir CHARLES COURT) replied:

- (1) No.
- (2) A specific date cannot be nominated at present, but further progress will be made in the near future as a result of both local and overseas discussions that have taken place.

## 19. DENTAL THERAPY SCHOOL

### *Completion*

Mr MAY, to the Minister representing the Minister for Health:

In view of the fact that over 12 months have elapsed since construction commenced on the dental therapy school in Mt Henry Road, Manning, will he advise the anticipated completion date?

Mr RIDGE replied:

It is hoped that the structure will be completed by mid December. About one month will then be required for the installation of fittings. This should ensure that the school will be ready to receive the 1975 student intake.

## 20. INDUSTRIAL DEVELOPMENT

### *Pilbara: Feasibility Study*

Mr MAY, to the Premier:

- (1) When is it anticipated that the Pilbara feasibility study will be completed?
- (2) Is he aware that certain newspapers have already made public information purported to have been extracts from the study?
- (3) Can he advise if this was a leakage of information or approved by the Government?
- (4) Will he give an assurance that Parliament will be given the opportunity of examining the final report prior to the contents being made available to the media?

Mr McPharlin (for Sir CHARLES COURT) replied:

- (1) The study is complete and the report is currently before Commonwealth and State Governments for study.
- (2) Such newspaper references had already been noted with concern.
- (3) Leakages of information are suspected. They were certainly not approved or authorised by the Government.
- (4) No such categorical assurance can be given. It will, however, be the Government's desire to ensure Parliament has access to the final report (except parts which, of necessity, are confidential) at least as soon as the media.

## 21. ALWEST PROJECT

### *Environmental Protection Review*

Mr MAY, to the Minister for Conservation and Environment:

- (1) Has the department completed the environmental review of the Alwest project for presentation to the Australian Government?
- (2) If not, when is it anticipated that the review will be completed?

Mr STEPHENS replied:

- (1) and (2) The department work is complete and is now being considered in conjunction with the preparation of the total case for the project for presentation to the Commonwealth Government.

## 22. STATE TRADING CONCERNS AND INSTRUMENTALITIES

### *Jurisdiction of Restrictive Trades Practices Legislation*

Mr BLAICKIE, to the Minister representing the Minister for Justice:

Is the Commonwealth Government's restrictive trades practices legislation regarded as having any jurisdiction over State Trading Concerns or State Instrumentalities?

Mr O'NEIL replied:

It is assumed that the question refers to the recently passed Trades Practices Act, which repealed the Restrictive Trade Practices Act.

The present Act gives no exemption to State trading concerns or instrumentalities.

That being so, those concerns or instrumentalities which are "trading" or "financial" corporations within the meaning of those terms as used in s. 51 (xx) of the Federal Constitution, will be subject to the provisions of the Act.

## 23. FISHERIES

### *Whales: Mercury Content*

Mr BRYCE, to the Minister for Fisheries and Fauna:

- (1) Does the Department of Fisheries and Fauna have information pertaining to Australian conditions about mercury content of the whale species?
- (2) If so, will he indicate the nature and scope of information available?
- (3) Has any State Government department carried out a survey to assess the mercury content in any of the whale species?
- (4) If so—
  - (a) which department was responsible for conducting the survey;
  - (b) will the particulars of the survey be made public?

Mr STEPHENS replied:

- (1) and (2) No.
- (3) and (4) I understand the Department of Health may have undertaken some analysis.

## 24. GRAYLANDS TEACHERS' TRAINING COLLEGE

### *Relocation*

Mr BRYCE, to the Minister representing the Minister for Education:

- (1) Has a decision been made to re-establish or rebuild Graylands Teachers College?
- (2) (a) Has a site been decided upon yet for the rebuilding of Graylands Teachers College;
- (b) if so, will he indicate the location of the site?
- (3) If the site to re-establish Graylands Teachers College has not been decided upon, will he indicate which sites are under consideration, if any?

Mr MENSAROS replied:

- (1) The Western Australian Tertiary Education Commission has agreed in principle to re-establish Graylands Teachers College as a college of advanced education and to negotiate for a site. Until it is known whether the land is available, a firm recommendation cannot be made to the Commission on Advanced Education.
- (2) (a) and (b) Negotiations are proceeding between the Western Australian Tertiary Education Commission and the State Housing Commission, for the release of a site of approximately 47 acres at Cockburn in the region of Coogee.
- (3) It is not considered advisable to release details of alternative sites under consideration, but every effort is being made to obtain a site within the south-west corridor.

## 25. ITINERANT ABORIGINES

### *Accommodation*

Mr DAVIES, to the Minister representing the Minister for Community Welfare:

- (1) Is the report in *The West Australian* of 17th September, 1974 that the New Era Aboriginal Fellowship has approached the State Government for assistance in providing accommodation for itinerant aborigines correct?
- (2) If so, what were the representations and when were they made?
- (3) What action, if any, is proposed?

Mr RIDGE replied:

- (1) To the extent that on Tuesday, the 10th instant, three ladies representing the New Era Aboriginal Fellowship waited on the Minister for Community Welfare and requested him to try to obtain a rental property in East Perth to house homeless Aborigines, and Mr

Ken Colbung discussed the matter further with the Minister on the morning of the 12th instant.

(2) Answered by (1).

(3) An approach has been made to another Government department which has a house in East Perth thought suitable for use, but there are some difficulties, and discussions are still proceeding between Community Welfare Department, Department of Aboriginal Affairs, New Era Aboriginal Fellowship and Aboriginal Advancement Council representatives regarding more suitable premises and arrangements for funding and staff.

## 26. HEALTH STATISTICS

### *Aborigines and Caucasians*

Mr DAVIES, to the Minister representing the Minister for Health:

(1) In compiling statistics of any nature are those relating to Aborigines and Caucasians kept separate?

(2) If so, under what conditions?

Mr RIDGE replied:

(1) Yes.

(2) Morbidity statistics received from hospitals show whether the patient is Aboriginal or another race.

When the department is reliant on information received from other sources, such as the Registrar-General, it is not possible to differentiate between Aborigines and others.

## 27. COMMUNITY WELFARE STATISTICS

### *Aborigines and Caucasians*

Mr DAVIES, to the Minister representing the Minister for Community Welfare:

(1) In compiling statistics of any nature are those relating to Aborigines and Caucasians kept separate?

(2) If so, under what conditions?

Mr RIDGE replied:

(1) Yes.

(2) Statistics are kept separate for—  
(a) Numbers of court appearances of children in relation to the local government area.

(b) Financial aid to families in need, granted under the provisions of the Welfare and Assistance Act, 1961.

The above statistics are kept separate in ethnic origin as a means of assisting the department to plan the distribution of its resources to areas that are in greatest need.

## 28. MEMBERS OF PARLIAMENT

### *Tour of Pilbara and Kimberley*

Mr MAY, to the Minister for North-West:

(1) Is it the intention of the Government to arrange an inspection of the Pilbara and Kimberley projects by Members of Parliament in the near future?

(2) If not, would he indicate if a visit could be arranged in 1975?

Mr RIDGE replied:

(1) and (2) No tour is currently planned for 1974 or 1975 but the matter will be kept under consideration by Cabinet in the hope that a tour will be possible during the life of this Parliament.

## 29. WATER SUPPLIES

### *Ord River Dam: Overflow*

Sir DAVID BRAND, to the Minister for Water Supplies:

(1) What amount of water is overflowing daily from the Ord River Dam?

(2) What amount of water is consumed by the residents of the metropolitan area from all sources?

(3) Has any approximate cost of piping water from the Ord to the metropolitan region been estimated, and if so, what is it?

Mr O'NEIL replied:

(1) 5 702 400 m<sup>3</sup>/day.

	m <sup>3</sup> /year
(2) Domestic	157 000 000
Private bores (lawns)	45 000 000
Irrigation (orchards)	30 000 000

232 000 000

(3) No approximate cost of piping water from the Ord to the metropolitan region has been estimated recently. However, fairly recently an estimate was prepared of the capital cost of bringing 30 000 000 cubic metres of water per annum to the metropolitan region from the Fitzroy River. The estimated cost was \$1 400 000 000. The cost of bringing water from the Ord would be somewhat higher.

## 30. PESTICIDES

### *Toxicity Tests*

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

(1) What tests are made on beef grown on the Ord River to establish the degree of toxic residue from pesticides, especially those cattle fed on sorghum?

- (2) What is the maximum dosage of the various types of pesticide on—
  - (a) sorghum;
  - (b) cotton?
- (3) What is done to police and enforce these standards?
- (4) If the standards mentioned in (3) supra are different for sorghum and cotton, what is done to differentiate the doses considering that the crops are grown together?

Mr McPHARLIN replied:

- (1) No routine tests are currently being carried out apart from analyses of experimental cattle involved in pesticide degradation trials.
- (2) to (4) There is no maximum limit laid down for the amount of pesticide which may be used on sorghum or cotton crops. The amount actually used depends on the insect population present at a particular time and varies up to about 16 oz. parathion active ingredient per acre for sorghum and 16 oz. DDT, 32 oz. chlorcam and 16 oz. parathion active ingredient per acre for cotton.

## QUESTIONS ON NOTICE

*1st October: Closing Time*

The SPEAKER: For the information of members, questions on notice for Tuesday, the 1st October, will close at 12.00 noon on Friday, the 27th September.

## QUESTIONS (12): WITHOUT NOTICE

### 1. TRAFFIC

#### *Motor Vehicle Licenses: New Scale of Fees*

Mr J. T. TONKIN, to the Minister for Traffic:

My question refers to the answer given to question 15 on today's notice paper.

The Traffic Act Amendment Bill, which has passed through both Houses, has not yet been proclaimed. In view of the fact that it has not yet been proclaimed, I want to know under what authority can the increased charges, which average 65 per cent, be levied upon the vehicle owners in the way the Minister indicated has already been done.

Mr O'Connor: Did the Leader of the Opposition say that the Bill had not passed through both Houses?

Mr J. T. TONKIN: I said the Bill had passed through both Houses but had not been proclaimed. There are instances on record where Bills have passed through both Houses and have never been proclaimed.

I put it to the Minister: If this Bill has not been proclaimed under what authority has his department started to charge the increased license fees?

Mr O'CONNOR replied:

I thank the Leader of the Opposition for no notice of the question and I ask him to put it on the notice paper.

### 2.

#### TRAFFIC

#### *Motor Vehicle Licenses: Renewals at Present Rate*

Mr DAVIES, to the Minister for Traffic:

- (1) As instructions tabled on the 18th September, 1974, indicate that renewal of licenses expiring on or after the 30th September, 1974, will attract the new rates, would it not be reasonable to allow licenses which expire on the 30th September, 1974, to be renewed at existing rates?
- (2) Has the Minister any indication of the number of motor vehicle licenses in this State which will expire on the 30th September, 1974, under—

(i) Government control;

(ii) local government control?

- (3) Why does a different policy apply in regard to the renewal of motor driver licenses as compared with motor vehicle licenses?

Mr O'CONNOR replied:

- (1) to (3) The honourable member did give me some notice of this question, but it did not reach my office in time for me to obtain a reply. I will endeavour to obtain the information and supply it to the honourable member.

### 3. FOOTBALL FINALS MATCHES

#### *Television Coverage*

Mr CARR, to the Premier:

- (1) Is the Premier aware that many country people are disappointed that there is no direct TV coverage of final round football matches?
- (2) Will the Premier make representations to the WANFL on behalf of country people in an effort to persuade the league to allow a direct coverage of the grand final?

Mr McPharlin (for Sir CHARLES COURT) replied:

On behalf of the Premier, I thank the member for Geraldton for the notice he gave of this question. The reply is as follows—

- (1) Yes.

- (2) Representations have already been made to the WANFL.

I am advised it is impossible to isolate the broadcasts to the remote areas of the State from the outer metropolitan area and close country centres. Therefore, the league is not prepared to agree because of the loss of revenue which would result from people in the outer metropolitan area and close country centres watching the broadcast rather than attending the match.

However, the league has been pre-selling entrance tickets to the grand final match and, if sufficient are sold to ensure satisfactory revenue from that match, they will consider, next week, whether or not to allow a broadcast of the grand final.

#### 4. ROAD TRANSPORT

##### *Perth-Geraldton: Bus Service*

Sir DAVID BRAND, to the Minister for Transport:

I ask the Minister: Has he yet made a decision regarding road transport between Perth and Geraldton?

Mr O'CONNOR replied:

Yes, a decision has been made, although it has not as yet been conveyed to the people of Geraldton. The railway bus service to that area will be discontinued and the people of Geraldton will have the option of running a free enterprise bus service on a similar basis to the present railway bus.

#### 5. PRE-SCHOOL AND CHILD-CARE CENTRES

##### *Federal Budget Allocation*

Mr BRYCE, to the Minister representing the Minister for Education:

- (1) Will the Minister inform the House of the amount of Western Australia's share of moneys allocated in the recent Federal Budget for—
  - (a) pre-school centres; and
  - (b) child-care facilities?
- (2) How many extra pre-school centres is it estimated will be provided in Western Australia as a result of the Australian Government's generosity?
- (3) How many pre-school centres are currently operating in Western Australia?

- (4) How much money was spent on pre-school education centres in Western Australia between 1960 and 1972—

- (a) by Western Australian Governments;
- (b) by the Commonwealth Government?

Mr MENSAROS replied:

I thank the honourable member for prior notice of the question. The Minister for Education has supplied the following answer—

- (1) and (2) The Commonwealth Government has not provided precise details of the allocations made under the recent Budget.
- (3) and (4) As these questions will involve extensive research, it is requested that they be placed on the notice paper.

I might add, Sir, I would not call it generosity when our own tax money is returned to us under conditions.

#### 6.

##### FISHERIES

##### *Indonesian Vessels: Trespass*

Mr GREWAR, to the Minister for Fisheries:

- (1) Can the Minister provide information on the number of Indonesian fishing vessels visiting the north-west coast?
- (2) Is there evidence that the number of vessels is increasing?

Mr STEPHENS replied:

- (1) The actual number is not precisely known because the vessels have been contacted by a number of people from different organisations and the total number has not yet been collated. However, the estimated number recorded in Western Australian waters this year from information now to hand would be in the vicinity of 80.
- (2) There is evidence of regular visits by Indonesian vessels to distant offshore islands off the Western Australian coast over many years and isolated visits by individual vessels or small groups of vessels have been recorded on the mainland coast in past years. However, the numbers now recorded certainly represent a large increase in Indonesian fishing activity on the mainland coast.

#### 7.

##### TRAFFIC

##### *Motor Vehicle Licenses: New Scale of Fees*

Mr HARTREY, to the Minister for Transport:

I would like to ask the Minister for Transport a question without notice, arising from his answer



to the question put to him by the Leader of the Opposition relating to increased registration fees for motor vehicles. Has the Bill of which the Leader of the Opposition was speaking received the Royal Assent either at the hands of the Governor or at the hands of the Lieutenant-Governor?

Mr O'CONNOR replied:

I believe this Bill did go before Executive Council on Wednesday, but I have not seen the document yet. Therefore, I cannot give the honourable member an accurate answer to his question.

## 8. GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

### *Safety Officers*

Mr HARMAN, to the Minister for Labour and Industry:

I wish to ask two questions without notice.

Mr O'Neil: One at a time!

Mr HARMAN: I may not get another call.

Mr O'Neil: You have been on holidays too long.

Mr HARMAN: My question is—

- (1) Which Government departments and instrumentalities employ trained safety officers?
- (2) How many such officers are employed in each department?
- (3) How many such officers are engaged predominantly in safety training in the field?
- (4) How many such officers are predominantly engaged in administrative functions concerned with workers' compensation inquiries, etc.?

Mr GRAYDEN replied:

I thank the member for Maylands for some notice of his question, the answer to which is as follows—

- (1) and (2) Midland Junction Abattoir Board and W.A. Meat Export Works—both have trained men as part-time safety officers.

State Engineering Works—One part time.

Public Works Department—Two—one of these now being appointed.

State Electricity Commission—Two—one being predominantly first aid.

Perth Medical Centre—One—fire and safety.

Forests Department—One.

Government Printer—One—item at present vacant.

Main Roads Department—Two—one is training officer.

WAGR—Four—one is industrial welfare officer.

Charcoal Iron and Steel Industry Wundowie—One.

Metropolitan Transport Trust—One.

Medical and Health Services—One—fire and safety.

Metropolitan Water Board—Three, plus one part time.

(3) All engaged in safety training in the field in varying degrees, either formally or informally.

(4) It is most unlikely that any safety officers would be predominantly engaged with workers' compensation inquiries, etc., though most are involved to some degree.

9.

## PESTICIDES

### *Toxicity Tests*

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

Further to my question 30 on today's notice paper, I would like to ask the Minister some supplementary questions. Firstly, he states in his answer that no toxicity level is laid down for the amount of pesticides which may be used on sorghum and cotton crops. I ask the Minister: How can there be a ban on the use of DDT for food purposes if there is no maximum limit? Part (4) of my question reads as follows—

... what is done to differentiate the doses considering that the crops are grown together?

The Minister has indicated different dosages for the different crops, but as the crops are grown together I cannot see how such a differentiation can mean anything. Can he explain this?

Mr McPHARLIN replied:

I did not clearly hear or understand the first part of the honorary member's question. In order to answer him accurately, I believe it would be preferable for him to place his question on the notice paper.

# 10. FAUNA AND FLORA PROTECTION

## Employees

Mr HARMAN, to the Minister for Fisheries:

How many persons are employed by the Government whose duties are directly related to the protection and preservation of fauna and flora in Western Australia?

Mr STEPHENS replied:

Twenty-two fauna wardens and 47 fisheries inspectors. Added to this the Forests Department has 11 officers, a large part of whose duties is directly connected with the protection and preservation of forest fauna.

The Native Flora Protection Act is the responsibility of the Minister for Forests to whom the question of flora protection should be more appropriately directed.

# 11. HEALTH

## Indonesian Fishing Vessels: Contact

Mr GREWAR, to the Minister representing the Minister for Health:

- (1) Are Western Australian health authorities aware that islands off Ashmore Reef are being used as a base for fishing activities in the area? Is it true that animal offal and grain were found on islands of the reef?
- (2) Were human graves found on any of the islands?
- (3) Are people coming into contact with Indonesian fishermen at One Arm Point and Lombardina being vaccinated against smallpox?

Mr RIDGE replied:

I thank the honourable member for notice of the question. The Minister for Health has supplied the following answer—

- (1) I am aware of the statements referred to by the honourable member, but there is no direct knowledge by health authorities of the situation in this inaccessible area, which is over 300 miles from the coast of Western Australia.
- (2) Answered by (1).
- (3) Yes; an appropriate vaccination programme has been proceeding for some months.

# 12. MOTOR VEHICLE LICENSES

## Pensioners: Concessions

Mr SHALDERS, to the Minister for Transport:

Can the Minister recollect any occasion at or after the time the previous Labor Government in-

creased vehicle license fees that any member of the then Labor Government made any plea to the then Minister for Transport to introduce pensioner concessions for vehicle license fees?

Mr O'CONNOR replied:

When the previous Government introduced increases in license fees, I cannot recall any member of the present Opposition who put forward a plea on behalf of pensioners. Certainly the member for Collie was much quieter than he is now.

Mr Bryce: I did.

Mr Bateman: And I did, too.

Several members interjected.

The SPEAKER: Order!

# MARKETING OF POTATOES ACT AMENDMENT BILL

## Second Reading

MR McPHARLIN (Mt. Marshall—Minister for Agriculture) [2.50 p.m.]: I move—

That the Bill be now read a second time.

A review of some sections of the Marketing of Potatoes Act has been requested by the potato industry for several years and the need has been affirmed in the reports of both the Select Committee and the Lissiman inquiries. I should add that a majority of the recommendations of both inquiries are matters for the internal decision and action of the Potato Marketing Board. In many cases they have been brought into operation already, either in whole or in part.

Since the Select Committee and Lissiman reports were received, the board, the Potato Growers' Association and my department have discussed the various recommendations and, as a result, those which require legislation have been embodied in this Bill.

Clauses 2 and 4 of the Bill are self-explanatory and are intended to give all commercial producers the right to vote when elections are being held for producer representation on the board. At present, unnaturalised persons do not have this right. As they are as concerned about their industry as any other grower, it is felt that they should be entitled to register their vote.

Clause 3 of the Bill proposes an alteration to the present composition of the board by permitting the Minister a degree of flexibility in nominating representatives without altering the total number of members. One consumer representative seems sufficient and the amendment will allow the Minister for Agriculture choice in nominating the other member for appointment. In short, it will enable that person to be drawn from any field associated with the

industry, depending on the particular needs and problems being experienced at the time.

The next amendment, in clause 5, deals with the subject of licensing. Regulation of production by licensing areas has formed an integral part of the control held by the board in the potato industry and will, I feel, continue to play a major role. However, both the Select Committee which inquired into the potato industry and the Lissiman report made reference to the right of growers to appeal against the board's refusal to issue a license and the amendment proposed will give growers this right, having in mind that the potato enterprise may be the main source of their livelihood.

Clause 6 of the Bill relates to section 22 of the Act which deals with the prohibition of sales other than through the board. The proposed amendment to subsection (4) (e) (iii) merely clarifies the meaning by changing the wording. No change of meaning is intended.

Clause 7 deals with the amendment to section 22B to provide new penalties for illegal plantings of potatoes. The present penalty of \$400 may sound a reasonable fine to impose on an illegal grower, but it must be remembered that this fine has no relation to the area of the crop. There have been instances of illegal growers being fined the maximum by a court and still making a profit after selling their crop.

To cover instances such as this and to provide a sufficient discouragement to illegal production, the new penalty rates are on a graduated scale and make the distinction between first and subsequent offences. In line with a judicial principle no minimum penalty has been fixed for a first offence.

Clause 8 of the Bill concerns the Potato Marketing Board's internal accounting system which was referred to in some detail in the Lissiman report wherein the establishment of a pool suspense account was recommended. The purpose of this account is to cover debits for expenses or losses from previous periods which do not come to light until after an accounting period of a particular season of production is closed. Funds for this account are provided by empowering the board to deduct the fractions of cents which occur in calculating pool payments down to whole cents only.

The creation of a suspense account would be helpful to the board and conform with normal accounting procedures for this type of operation.

The amendments which have been presented tidy up certain deficiencies in the Act and give effect to the recommendations of the board which are supported by independent investigations and the potato-growing industry. I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans.

## SOIL CONSERVATION ACT AMENDMENT BILL

### *Second Reading*

MR McPHARLIN (Mt. Marshall—Minister for Agriculture) [2.56 p.m.]: I move—

That the Bill be now read a second time.

The Bill currently before the House has three main purposes: firstly, to cater for the appointment of a deputy commissioner of soil conservation; secondly, for the appointment of a deputy chairman of the Soil Conservation Advisory Committee; and, thirdly, to extend the membership of that committee. In addition, the Parliamentary Counsel has included some minor amendments to up-date certain references in the Soil Conservation Act.

Of the main amendments, however, the first two are almost self-explanatory, but I will deal with them briefly. It is usual when drafting legislation today to make provision for a deputy to be able to act with full powers during any absence of the principal officer. The Soil Conservation Act, however, does not contain any such provision, and Crown Law advice confirms that in the event of the Commissioner of Soil Conservation being absent for an extended period—such as long service leave—it would not be possible for several sections of the Act to operate. This, of course, is a most undesirable situation in a field such as soil conservation and one which, I am sure members will agree, needs to be rectified.

A similar situation also exists in relation to the chairmanship of the Soil Conservation Advisory Committee, in that there is no formal provision for the appointment of a deputy. The present committee is very conscious of its duties and powers, and is most anxious to make contact with landholders, shire and town councils, and other organisations to gain their co-operation in the increasing community aspects of soil conservation and erosion control. Provision for appointment of a deputy chairman of the advisory committee would considerably facilitate this particular activity of the committee.

The third purpose of this Bill is to increase the membership of the Soil Conservation Advisory Committee by two.

At present this committee consists of members representing five Government departments, Agriculture, Forests, Lands and Surveys, Public Works, and Main Roads, and four members representing farmers and pastoralists. With increased mining activity and the greater possibility of associated erosion problems it is appropriate to provide representation from the Mines Department.

Conservation of the extensive land areas under the control of and influenced by the activities of country shires is vital to

the State. It is felt that a member representing the Country Shire Councils' Association would provide valuable liaison on soil conservation matters with the soil conservation service as well as with the representatives of landholders and Government departments whose activities can affect the soil erosion situation.

Most members of the House would be aware of the extension service carried out in rural areas as part of the committee's objectives for the education of landholders and the general public and reference has already been made to the activities in this field.

This clause in the Bill is a logical step for the expansion of this work, by involving both the mining interests and the local authorities.

As a consequence of increasing the size of the advisory committee to 12 members, a further amendment is necessary to increase the quorum for meetings of the committee to seven members.

Soil conservation is a most vital area of work carried out within the Department of Agriculture and provides the basis so necessary for our rural communities in their planning of the use of the soil in the years ahead.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans.

Mr Jamieson called attention to the state of the House.

Bells rung and a quorum formed.

## DONGARA-ENEABBA RAILWAY BILL

### *Second Reading*

MR O'CONNOR (Mt. Lawley—Minister for Transport) [3.02 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this legislation is to authorise the construction of a railway commencing at a point near Dongara, being 421, 517 km or thereabouts from Perth on the Guildford-Greenough Flats railway and terminating in the Eneabba area—a total distance of 86.628 km.

The route of the railway is specifically described in the schedule to the Bill and on C.E. Plan No. 66814 together with a letter from the Director-General of Transport which I table for the information of members.

*The plan and letter were tabled (see paper No. 242).*

MR O'CONNOR: Clause 2 of the Bill provides the authorisation to construct the railway and clause 3 provides for a deviation of 5 km on either side of the line in lieu of the one mile provided in the Public Works Act. The extension of deviation is necessary as at this point of time location surveys have not been completed.

The railway has been designed to transport mineral sands from the area of Eneabba to Dongara, and thence by way of an existing railway to Geraldton.

The Railways Commission has executed agreements with two mining companies for transporting 850 000 tonnes per annum of mineral sands from Eneabba. In addition, there are substantial prospects of an additional 1 000 000 tonnes per annum becoming available from three other companies with leases in the area for transport to Geraldton.

The proposal for construction of the new railway has been subjected to careful economic analysis by both the Railways Commission and the Director-General of Transport. The results indicate a very viable, indeed profitable, project for our railways system.

Its rate of return on investment over the minimum of 15 years' estimated life of the project has been assessed to give a good return on capital. The question might be asked as to whether rail transport for the whole journey from Eneabba northward would be more economical to the State as a whole than a combination of road transport from Eneabba to Dongara and rail transport from Dongara to Geraldton.

A considerable tonnage is, in fact, being hauled by road at present. Whether rail is more economical than a combination of road and rail depends upon the annual tonnage to be carried.

According to studies carried out by the Railways Commission and calculations made by the Director-General of Transport, throughout rail transport would be more economical at traffic levels above 600 000 tonnes per annum. At present it is confidently expected that by 1975, the quantity of mineral sands offering for transport out of Eneabba will be over 700 000 tonnes and as indicated previously, this figure could exceed 1 000 000 tonnes.

Apart from its own economic viability a railway from Dongara to Eneabba fits well into long range, overall State transport planning. One of several transport alternatives that have been looked at for the north is a rail link connecting the mining railways in the Pilbara with the State's network in the south.

The preferred route for this railway— if it were to be built in the future—is from the Pilbara via Geraldton, Eneabba and then directly south to serve other known mineral sands deposits, to Perth.

In view of the future need, the alternative of constructing in standard gauge bears consideration.

However, bearing in mind the indeterminable factors of a railway to the Pilbara and the disadvantage of operating an isolated standard gauge railway over an interim period, a compromise solution has

been preferred and the railway will be constructed utilising eight feet sleepers in lieu of narrow gauge seven feet sleepers.

This would permit of conversion to standard gauge at a later stage at minimum cost and is a technique which has recently been used successfully with the conversion of the Esperance branch to standard gauge.

The total cost of the railway has been estimated by the Railways Commission as \$8 735 000 and of this amount \$6 116 000 would be expended on civil works and \$2 619 000 on rolling stock.

An application made to the Commonwealth Government for assistance in funding the railway was recently declined and efforts are currently being made to finance the railway from State funds.

However, this is a matter distinct from the actual authorisation of the railway which is the matter currently before the House, but it is the intention of the Government to proceed with the construction of the railway immediately funds can be made available and provided suitable contracts are signed with companies involved. This does not appear to be difficult.

With regard to the transport conditions already applying in the area it should be stated that at this stage there is no intention of giving the railways rights over existing carriers in so far as the present community and the agricultural industry in the area are concerned, or of altering the farmers' exemption provision which applies under the Transport Commission Act and allows farmers in the Eneabba region to carry their own produce, including wool, in their own vehicles.

The new railway is to be built to handle mineral sands and the products of that industry.

I consider that the new railway proposed in this legislation is necessary to service the mineral sands industry which is establishing itself in the Eneabba basin.

This industry appears to have a very bright future and is one which should be afforded every assistance in its initial stages to ensure its success.

I have pleasure in commending the Bill to the House.

Debate adjourned, on motion by Mr Carr.

#### **MINISTERS OF THE CROWN (STATUTORY DESIGNATIONS) AND ACTS AMENDMENT BILL**

##### *Second Reading*

**MR O'NEIL** (East Melville—Minister for Works) [3.10 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been designed to meet the situation which arises when the definition of a Minister in some Statutes specifically

refers to a particular Minister of the Crown and therefore requires such title to appear in his list of portfolios.

Rather than the impracticable prospect of having an overlengthy list of portfolios it is considered to be more expedient to combine the various constitutional or statutory functions of a Minister under one title. However, this is not possible under existing circumstances.

The problem is further compounded when the administration of such Acts is transferred from one Minister to another. An example of this is the Main Roads Act which is currently being administered by the Minister for Transport although the Act specifically nominates the Minister for Works as the authority to delegate certain powers to the Commissioner of Main Roads.

It is proposed that the operative instrument in this Bill will be by way of an Order-in-Council which can be either in general terms or could be made specific in relation to any one Act or any part of an Act or to some particular regulation, legal proceeding, contract, or the like.

The Bill also sets out changes to be made to certain Acts to allow the interpretation of "Minister" to be defined in a more practicable manner than presently exists.

This will obviate the need for successive Governments, in the instances of transfers in the administration of an Act, to be faced with such problems.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Jamieson (Deputy Leader of the Opposition).

#### **RAILWAYS DISCONTINUANCE AND LAND REVESTMENT BILL**

##### *Second Reading*

**MR O'CONNOR** (Mt. Lawley—Minister for Transport) [3.14 p.m.]: I move—

That the Bill be now read a second time.

I wish to table C.E. Plans Nos. 66664, 66889, and 66851, and a letter from the Director-General of Transport. The letter deals with the subject matter of the Bill.

*The Plans and letter were tabled (see paper No. 243).*

**MR O'CONNOR:** In introducing this Bill I would explain that it provides for the discontinuance and subsequent land re-vestment of six sections of the Western Australian Government Railways. The sections referred to are specifically described in the six schedules included in the Bill.

The first, second, and third schedules shown in the Bill refer to the Kalgoorlie-Gnamballa Lake railway—authorised under Act No. 18 of 1897—the Boulder town-site loop railway—also authorised under Act No. 18 of 1897—and the Brown Hill

loop Kalgoorlie-Gnumballa Lake railway—authorised under Act No. 41 of 1900. The proposed closures include 12.867 km of narrow gauge line. The railways *in toto* are commonly referred to as the Boulder branch line.

The present traffic being hauled comprises mainly oil in tank wagons for the mines at Kallaroo, Golden Gate, and Kamballie and nickel concentrates from Great Boulder Mines Ltd., Fimiston to Esperance, which will be hauled by road following closure of the line. An analysis of the tonnage carried over the past four years indicates a steady yearly decline of traffic.

However, the principal motivation for recommending closure of the three sections is that following the recent commissioning of the standard gauge railways between Kalgoorlie and Leonora and West Kalgoorlie and Esperance, the three railways have become isolated narrow gauge railways and the economics of continuing operation of the railways in isolation coupled with the paucity of traffic offering, are such that discontinuance of the railways is the logical action to be taken.

Members of the House will be aware that at the turn of the century these railways played a very vital role in the exploitation of "the golden mile" when the railway services provided were availed of by thousands of miners and many major companies associated with the production of gold.

No doubt the closures will generate a degree of nostalgic feeling and a sense of historical loss amongst our older folk and those dedicated to the preservation of national assets, but I feel that one must accept these closures in the spirit of progress and in the light of the evolution of railways to the standard of sophistication under which they operate today.

However, I am informed that interested people in the Kalgoorlie-Boulder area are already considering what action can be taken to preserve this line for posterity, in the form of a tourist railway. Whilst this information has no bearing on the passage of the legislation, it is of course of interest to members. The Railways Department has agreed to pend action on the actual removal of the tracks while the matter is being examined by the Kalgoorlie people.

For the information of members I have tabled a copy of CE Plan No. 66664 referred to in the first, second, and third schedules to the Bill.

The fourth schedule refers to the Coolgardie-Kalgoorlie railway and the fifth schedule to the Coolgardie-Lake Lefroy railway. I will deal with these conjointly because for all practical purposes they combine to make one continuous railway between Widgiemooltha and West Kalgoorlie.

The circumstances dictating closure of these sections are similar to those previously referred to. The standard gauge railway between West Kalgoorlie and Esperance via Kambalda and Lake Lefroy has now been commissioned thus ending the narrow gauge railway between Kalgoorlie and Coolgardie redundant.

In respect of the Coolgardie-Lake Lefroy railway closure of this section is also on account of the availability of the standard gauge railway through Kambalda. All public sidings between Kalgoorlie and Widgiemooltha via Coolgardie have been closed and there is no traffic emanating from or going to points on these sections.

Since commencement of the standard gauge services on the eastern goldfields main line, special arrangements have been made to service Coolgardie from the siding at Bonnievale. A local carrier at Coolgardie provides a daily service between Bonnievale-Coolgardie and Coolgardie-West Kalgoorlie to cater for less-than-carload traffic, parcels, mails, and perishables. Freight is charged as for Bonnievale.

Consignors are able to consign to either Coolgardie or Bonnievale and this arrangement continues to work satisfactorily. The proposed closure consists of 37.1326 km on the Coolgardie-Kalgoorlie line and 83.9354 km on the Coolgardie-Lake Lefroy junction line.

A copy of CE Plan No. 66889 referred to in the fourth and fifth schedules has been tabled for the information of members.

Referring lastly to the sixth schedule, this deals with a small section of the Tarnbellup-Ongerup railway within the town-site of Gnowangerup. The extent of closure of this line up to its present point—that is, Whitehead Road in Gnowangerup—was authorised under Act No. 19 of 1963.

The purpose of this legislation is to close a further 152.7 metres of the railway to the south-western alignment of Corbett Street in Gnowangerup.

The extension of closure has been requested by the Shire of Gnowangerup and, as the section of railway concerned is now out of use, there is no reason why the request of the shire should not be acceded to. A copy of CE Plan No. 66851, referred to in the sixth schedule, has been tabled for the information of members.

Referring again to the Bill, clause 2 allows the railways to be discontinued on different days, and clause 10 operates to revert the land in Her Majesty upon the coming into operation of the section pursuant to which the railway ceases to operate.

Clause 9 of the Bill provides for the disposition of materials; that is, all material will be used or disposed of and the cost

of each closed section will be removed from the railway accounts.

With regard to the reversion of land, it should be mentioned that some mining tenements exist on land in the Kalgoorlie area which is to revert to the Crown. This matter has been discussed with the Mines Department, and arrangements have been made that when the land reverts to the Crown any area under a mining tenement granted by the Mines Department will automatically revert to the holder of the tenement, subject, of course, to the agreement and conditions of the grant of tenement.

I thank the members on both sides of the House for the attention they have given me in explaining the content of this legislation, and recommend that the Bill be adopted by the House.

Mr Jamieson: Before you resume your seat, as the Bill affects a wide area and Parliament is to be in recess for a week, can we have an assurance that we will be given time, if necessary, to make contact with the outer areas before debate on the Bill is resumed?

Mr O'CONNOR: I cannot see any reason for the request because the lines in the Kalgoorlie-Kambalda area have been replaced. If any problem should arise, I suggest the honourable member contact me and I will take the matter into account.

Debate adjourned, on motion by Mr T. H. Jones.

## TEACHER EDUCATION ACT AMENDMENT BILL

### *Second Reading*

MR MENSAROS (Floreat—Minister for Industrial Development) [3.23 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to amend the Teacher Education Act, 1972.

The Bill has three principal aims: first, to amend the constitution of the Council of the Western Australian Teacher Education Authority; second, to provide for the recognition of staff and student associations within the constituent colleges; and third, to allow the constituent colleges to invest money, not immediately required, in authorised trustee investments. It is my intention to deal with each of these separately and in the order just given.

The Teacher Education Act arose largely from a report of the Western Australian Tertiary Education Commission on the future of the teachers' colleges, which was transmitted to the then Minister for Education on the 4th July, 1972. In suggesting the composition of the Council of the proposed Western Australian Teacher Education Authority, the report made a point of representation of employers, both

Government and non-Government; teachers in schools, Government and non-Government; principals, students, and staff of the colleges; and community members.

When the original Bill was drafted, the words employed in the report were used in paragraph (d) of section 10, which reads, "Teachers engaged in teaching in schools", two of whom were to be nominated by the State School Teachers' Union of Western Australia Incorporated; and the Bill was passed in this form.

After the Act was proclaimed, I understand the Teachers' Union approached the then Minister for a ruling as to whether headmasters, headmistresses, or principals of schools were debarred by these words, and the then Minister, on advice from counsel, notified them that headmasters, headmistresses, and principals actually in a school were considered as teachers engaged in teaching in schools, but a principal who was not actually attached to a school would not be eligible for nomination by the Teachers' Union.

Mr T. D. Evans: I confirm that that was so.

Mr MENSAROS: This automatically disbarred the President of the Teachers' Union from being nominated because, as President of the Teachers' Union and union representative on the Teachers' Tribunal, he was relieved of all duties in a school. It was certainly not the intention of those who wrote the report that the President of the Teachers' Union should automatically be disbarred from nomination by the union, because he was actually a member of the Committee of the Tertiary Education Commission which wrote the report.

However, the Government of the day, rightly, was not prepared to make amendments to the Act so soon after its passing, merely to correct this position. The Government has been approached by the Council of the Teacher Education Authority to make two other important amendments to the Act, and it seemed appropriate to rectify this anomaly at this time.

The amendment makes provision for four persons to be appointed by the Minister from teachers, two of whom shall be engaged in teaching. At present these two members of the council are a teacher from an independent school and a teacher from a Catholic school.

In addition, the amendment makes provision for the appointment of two teachers who are members of the Teachers' Union and nominated by it, but they need not necessarily be engaged in teaching in schools at the time. Teachers who could be appointed under this provision include the President of the Teachers' Union, and education officers employed in other duties by the Education Department, such as recruitment officers, curriculum officers, research officers, and a number of other teachers, who for the good of education

are not necessarily employed in the classroom. The amendment has the backing of the Council of the Teacher Education Authority, the Teachers' Union, the Academic Staff Association, and the boards of the various colleges.

The second purpose of the Bill with which I wish to deal relates to the staff and student associations, and firstly, I would indicate to members, for their information, that the report on the future of the teachers' colleges, referred to earlier, made one recommendation regarding associations of staff and students, and that was that "the colleges and the council shall give due recognition to properly constituted associations of professional staff and students".

Section 55 of the original Act took cognisance of the existing position of staff and student associations in relation to the colleges but made no specific reference to the council of the authority. At the time, each college had a staff association which included both academic and nonacademic staff, and these associations from the five individual colleges had formed themselves into a loose federation for the exchange of views of the colleges and to communicate and negotiate on general matters with the Western Australian State School Teachers' Union and the Education Department, but each individual staff association dealt with its own college.

Section 55 then made provision for academic staff and students and for communication with college boards. It made no provision for "other" staff mentioned in section 50 of the Act and it made no provision for communication and/or negotiation with the council of the authority, except through college boards.

Since the passing of the Act, the academic staff of the colleges have formed themselves into the Academic Staff Association of the Western Australian Teachers Colleges (Inc.) with branches in the individual colleges. There is no compulsion on any academic staff member to join the association. The "other" staff, including professional officers, librarians, and clerical and technical officers, have formed themselves into an Association of Salaried Officers of the Teachers Colleges with a branch in each individual college.

The various student associations which have been in existence almost since the establishment of the colleges, have formed a Western Australian Student Teachers' Association with a regularly approved constitution and representation of the student body of each college.

It was thought appropriate that the Act should be amended to provide for a situation which actually exists and that provision should be made in the Act for an overall association of academic staff, an overall association of "other" staff, and an overall association of enrolled students with branches of each in the individual colleges.

Such overall associations seemed appropriate as the bodies to communicate and negotiate with the council of the authority.

As the colleges are autonomous bodies governed by their own boards, it was not thought appropriate that the overall associations should be the bodies to communicate and negotiate with the college boards, but that this should be the prerogative of the branches of the individual colleges, as obtained in the original Act.

It is not the intention of the amendment, or the Act itself, that branches of associations or individuals themselves should be denied access to the council of the authority, and in fact the council has accepted submissions from the Academic Staff Association, the Association of Salaried Officers and from individuals. The Act, and the amendment, merely make provision for the "recognised" or usual means of communication and negotiation.

The amendment has the support of the council of the authority, the Academic Staff Association, the Association of Salaried Officers and the Association of Student Teachers.

The next portion of the Bill on which I would like to speak relates to the application of money received by the college boards. At the present time, section 64 of the Act makes provision for the council to invest money not immediately required for the purposes of the Act in any investments authorised by law as those in which trust funds may be invested.

In the drafting of the original Bill, this section was included to give the council the same power as was given to the Council of the Western Australian Institute of Technology and the Senate of the University of Western Australia.

However, the Council of the Teacher Education Authority stands in a very different position from these bodies in relation to the boards of the individual teachers' colleges.

Amongst the objects of the authority, for example—paragraph (f) of section 8—is to organise as soon as practicable the control by each college of its own finances within the allocations and general policies approved by the authority.

The position has now been reached where most of the money allocated to the authority is, in fact, held by the college boards and it is necessary, therefore, that the college boards should be given the same power to invest funds as is at present given to the council.

In commending this Bill to members, I would mention that this Act is a very recent addition to the Statutes. Nevertheless, it has proved quite efficient and most difficulties have been overcome during the period of implementation of its provisions. These few amendments are considered to be relatively minor.

Debate adjourned, on motion by Mr A. R. Tonkin.



# ART GALLERY ACT AMENDMENT BILL

## Second Reading

**MR STEPHENS** (Stirling—Chief Secretary) [3.35 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Art Gallery Act, 1959-1968, to enable the Western Australian Art Gallery Board to raise loans and to invest money in authorised trustee investments.

The Art Gallery Act was introduced in 1959 for the purpose of establishing an Art Gallery separate from the Western Australian Museum. The Act was amended in 1968 to give the Art Gallery Board permission to move works of art from the Art Gallery building in Beaufort Street to other suitable venues for display as well as making provision for the establishment of regional and branch galleries to ensure the optimum use of the board's exhibits.

This Bill, having been initiated in the Legislative Council, has passed through that House without amendment and, if passed by the Legislative Assembly, will enable the Western Australian Art Gallery Board to borrow money. As the board is a State Government instrumentality, it is deemed desirable that it have the power to borrow funds for specific purposes.

The Art Gallery Board and the Government are currently considering the establishment of annexes to the gallery to enable a greater number of exhibitions to be made to the public throughout the State. The primary objective of the Art Gallery should be to serve the interests of art throughout Western Australia and to bring its services to as wide a proportion of the population as possible.

Since the board is supported by Government funds contributed by taxpayers from all areas of the State, it is suitable that all taxpayers should have ready access to its activities.

The other purpose mentioned is to enable the board to utilise funds not immediately required for other projects in authorised trustee investments. The Art Gallery has been fortunate in recent times in receiving gifts from appreciative persons. This is a desirable thing and something that the board and the Government are keen to encourage.

In these times of inflation, it is desirable to strive to avoid erosion of the value of such gifts, and to achieve this it is considered wise to invest the money involved in suitable securities rather than to retain it in the Art Gallery's account at the Treasury.

In the past, Western Australia has been one of the few States, if not the only State, where it has been impossible to encourage such benefactions, and it is sincerely hoped that this amendment will rectify that situation.

I commend the Bill to the House.

Debate adjourned, on motion by Mr T. D. Evans.

## DAYLIGHT SAVING BILL

### Council's Amendments

Amendments made by the Council now considered.

### In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Stephens (Chief Secretary) in charge of the Bill.

The amendments made by the Council were as follows—

#### No. 1.

Clause 11, page 6, line 36—Delete the passage "numeral 1 opposite the word Yes" and substitute the following:—

"word Yes in the space provided".

#### No. 2.

Clause 11, page 7, line 5—Delete the passage "numeral 1 opposite the word No" and substitute the following:—

"word No in the space provided".

#### No. 3.

Clause 11, page 7, line 9—Delete the passage "subject to subsection (4) of this section,".

#### No. 4.

Clause 11, page 7, line 13—Insert after the word "writing" the words "not authorized by this Act".

#### No. 5.

Clause 11, page 7, lines 17 to 30—Delete subclause (4).

#### No. 6.

The Schedule, page 12—Delete Form C and substitute the following:

#### Form C.

Western Australia.

Daylight Saving Act, 1974.

Ballot Paper.

Directions for Voting.

The voter shall mark his ballot paper as follows—

If he is in favour of the question set forth hereunder, he shall write the word "Yes" in the space provided.

If he is not in favour of the question set forth hereunder, he shall write the word "No" in the space provided.

Question: Are you in favour of standard time in the State being advanced one hour from the last

Sunday in October in each year until the first Sunday in March next following?



Mr STEPHENS: Mr Chairman, I seek your direction. As all the amendments are consequential, have I your permission to treat them as one?

The CHAIRMAN: You may treat them as one unless members wish to take them separately.

Mr STEPHENS: The amendments made by the Council are in respect of the referendum. They remove the necessity to write the numerals "1" and "2" on the ballot paper; instead the amendments propose that the word "Yes" or the word "No" be used. This point was mentioned during the second reading debate in this Chamber. Personally, I have no objection whatsoever to the amendments. The only point I make is that the original ballot paper was consistent with our normal election ballot papers in the use of numerals. After this referendum is held there is a possibility that at the election next following it if only two candidates contest a seat some people may vote "Yes" or "No", and we may lose a vote, because it would be informal. As I have said the effect of the amendments is purely and simply to allow the words "Yes" or "No" to be used on the ballot paper and I move—

That amendments Nos. 1 to 6 made by the Council be agreed to.

Mr T. J. BURKE: I apologise for not being here when the Bill was brought forward. We, too, have considered the amendments made by the Council and we agree with the Chief Secretary as to the effect of the amendments. We have no objection to the amendments which, on behalf of the Opposition, I support.

Question put and passed; the Council's amendments agreed to.

#### *Report*

Resolution reported, the report adopted, and a message accordingly returned to the Council.

#### **BILLS (2): RETURNED**

1. War Service Land Settlement Scheme Act Amendment Bill.
2. Metropolitan Region Town Planning Scheme Act Amendment Bill.

Bills returned from the Council without amendment.

*Sitting suspended from 3.44 to 4.04 p.m.*

#### **POLICE ACT AMENDMENT BILL**

##### *In Committee*

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Connor (Minister for Police) in charge of the Bill.

Clause 1: Short title and citation—

Progress was reported on clause 1.

Clause put and passed.

Clause 2: Section 50AA added—

Mr T. H. JONES: I move an amendment—

Page 2—Delete new section 50AA with a view to substituting the following—

50AA. (1) Where any person is apprehended and in lawful custody for any offence punishable on indictment, or for any of the simple offences particularised in the Fourth Schedule to this Act, any officer or constable of the Police Force may take or cause to be taken all such particulars as he may think necessary or desirable for the identification of that person, including his photograph, measurements, fingerprints and palm-prints.

(2) Where the photographs, fingerprints, palm-prints or other identification particulars of a person are taken under subsection (1) of this section and that person is found not to be guilty of any offence arising out of the circumstances leading to the taking of those particulars, the original of the photograph and the negative thereof, fingerprints, palm-prints and other identification particulars taken, together with all existing copies thereof, shall be destroyed in his presence. Provided that they shall be preserved until the time limited for lodging an appeal from the finding has expired or an appeal from the finding has been resolved in favour of the accused person.

I draw attention to the wording of proposed section 50AA (1) in clause 2.

In the second reading debate I outlined our opposition to the Bill in general, and in particular I referred to our opposition to the terminology of proposed subsection (1), because we were not happy with the inclusion of the words "or is otherwise".

In the subsection which I propose to insert in lieu, I have changed the meaning slightly by listing the charges which can be dealt with under this subsection. It will be appreciated that one of my amendments seeks to insert a new schedule which sets out the sections of the Police Act, the Traffic Act, and the Criminal Code under which an offender may be charged. We have enumerated the sections under which fingerprinting of persons who are apprehended may be carried out.

In respect of minor offences, such as drunkenness, I submit that fingerprinting should not be carried out. I gave the instance of a paddy wagon picking up drunken people on a Saturday night. This

happens not only in Perth but in other cities of the world. In such circumstances we do not think that fingerprinting should be carried out.

The overall effect of proposed section 50AA as appearing in the Bill is to take away the rights of the individual. We think that provision goes too far in dealing with people who are apprehended for minor offences. When I move to insert an additional schedule to the Act I shall indicate the sections of the Police Act, the Traffic Act, and the Criminal Code under which we consider fingerprinting should be permitted. My amendment will bring about a streamlining of the provision in the Bill.

I refer to the wording of proposed section 50AA (2) appearing in the Bill. This is a very broad provision, and will give the police certain powers which it does not have at the present time. We have moved this amendment because we, together with the Law Reform Commission consider the provision in the clause will take away the liberties of the individual. People could be arrested, but after they appear in court they could be found not guilty. In such circumstances, unless a request is made, the photographs and fingerprints will not be destroyed. They will be retained by the police in this State and in other parts of Australia, as well as by Interpol.

There is no provision in the Bill covering the prints that are taken off originals, and in this regard there is no right of appeal from the lower courts. For that reason I have included proposed subsection (2) in my amendment. This is a very clear provision, and it covers the position where copies are taken from the originals. This subsection in my amendment will make it mandatory for the originals and the copies to be destroyed.

Where a person is found to be not guilty of a traffic charge or a drunkenness charge, what right has the police to retain his fingerprints? We feel that the rights of the individual are taken away, if the fingerprints are retained in such circumstances.

The Minister has indicated that to a certain extent he goes along with my amendment, but it seems that the Commissioner of Police is not too happy about it. In a newspaper he is reported as having said that it would be difficult to guarantee that originals or copies which are sent away will be destroyed. I do not see any difficulty in this regard, because in the first place it would be ridiculous to send either the originals or the copies away. They should be sent away only after the person who is charged has been found guilty.

When a person is arrested it is completely wrong in principle for either the copies or the originals of his photograph, fingerprints, palm-prints, or other identification particulars to be sent away, and thus be

placed on the files of the police in other parts of Australia and other countries of the world.

We are opposed to the provision in clause 2 of the Bill. The views of the public have been sought by some radio stations, and the indication is that the public are opposed to the provision in clause 2. For that reason I hope the Minister will agree to my amendment.

In respect of proposed subsection (1) appearing in clause 2 we think it is wrong in principle and unnecessary that the fingerprints of people who are apprehended for minor offences should be taken. Furthermore, we also think it is wrong in principle that where a person is not convicted a request has to be made for the originals and copies to be destroyed. If a person is found not guilty of the offence charged we say that no-one has the right to hold his photograph, fingerprints, palm-prints, or other identification particulars.

I can imagine the situation on a Saturday night at the central lockup, when the paddy wagon arrives after doing its round of the city. I can imagine how long it will take for the people who are apprehended to be released on bail. If these people are dealt with under the provision in clause 2 they will be fingerprinted, palm-printed, and photographed. All this will take some time.

Mr Hartrey: It could take two hours per customer.

Mr T. H. JONES: That is right. If a group of 20 men were arrested for over-enjoying themselves it would take a long while to arrange bail for them.

We consider the legislation to be unnecessary. We agree there should be a safeguard. We have examined the Traffic Act, the Police Act, and the Criminal Code and we agree that there are circumstances under which fingerprints should be taken. However, we oppose the legislation in its present form.

Mr HARTREY: I want to make my position quite clear as regards the qualified support which I give to this amendment. Politics is the art of compromise. We have seen a clear demonstration in this Chamber recently that the Government with its substantial majority is quite prepared at the drop of a hat, to use its numbers as a blunt instrument. Therefore, the most we can hope to arrive at is a compromise. For my part, I do not like compromising but half a loaf is better than no bread.

Although I actually drafted the first paragraph of the proposed amendment, I am not particularly enamoured of it. I think I drafted proposed new subsection (2) entirely, but I am not happy with that either.

The basic principle is that at present no citizen of Western Australia, who has not been convicted of an offence, can be man-handled as if he had been convicted. A

person who is sent to prison might rightly and properly be subjected to regulations and physical handling of various kinds. However, the very ordinary citizen who is merely accused of an offence, but not convicted, should not be subjected to that treatment. For a period of 50 years the ordinary person was so treated if he were arrested for the most trivial offence, but the process was not legal during all that time. Such treatment is not permitted now, by law. The ruling parties in this Chamber insist that this will henceforth be permitted by law. I am trying to ensure that what will be permitted by law will not be precisely as has been proposed.

In the case of the *King v. Snow*, in 1914, the High Court of Australia through its Chief Justice—Sir Samuel Griffiths, who among other things, was the author of the Commonwealth Constitution, once Premier of Queensland, and the first Chief Justice of the High Court of Australia—said it was a very vicious principle to suggest that the more serious a charge against a man the more drastically he should be treated before he was convicted. His Honour pointed out that the exact opposite should be the case, and the more serious the charge against a man the more protection he should have in respect of his trial and his treatment until he was found guilty.

The Bill now before us violates that principle, but we offer some concession to those who are determined to take away from innocent people a liberty which, at present, they are entitled to. Today if a man is arrested summarily or under warrant he is still innocent according to law. The fact that he has been arrested does not affect his guilt or innocence at all. However, the proposed legislation sets out that because a man has been arrested—and not because he is guilty—he is to be treated as if guilty in order to suit the police, Interpol, or some other bureaucratic organisation.

We make the concession that the man should be treated as if guilty in certain circumstances, but not in all circumstances. That is what our amendment will provide. The amendment does not contain provisions which I would like to see enacted, but I prefer the amendment to what is contained in the Bill. The Bill simply says that every person who is arrested—whether on a malicious charge or for a trivial offence—will become subject to fingerprinting, palm-printing, and manhandling by the police. Members should not think that manhandling does not occur; I have seen it happen many times. It is probable that the law-abiding members in this House have not been in a lockup on a Saturday night.

Mr Sibson: Who says so?

Mr HARTREY: Well, I hope the member has not. Certainly, I have been in almost every gaol in the old goldfields

area on a Saturday night, and I have been in the Fremantle Gaol on more occasions than I can remember.

I am not worried about what happens in gaol; that is part of the system. However, a person who is picked up by the police is still innocent. What do we have courts for?

I entreat those members opposite who have any regard for the liberties of the people of Western Australia to say that they will not be misled by this proposition; that innocent men do not mind having their fingerprints taken, and guilty men do not deserve not to have their fingerprints taken.

That is the proposition put to members by the Minister. He said that innocent people do not mind submitting to this kind of humiliation in order that those who are guilty may be convicted. I say that is not true. It is not fair to inflict this humiliation on innocent people. An obstacle is to be placed between the presumption of innocence and the proper way of finding a person guilty.

The amendment proposed by the member for Collie assumes that a man is, in certain instances, guilty until proven innocent. The second part of the amendment, to some extent, will repair the damage which will be done to an innocent man if he is put through this humiliating process. After all, all that has been required, hitherto, has been fingerprinting. A person has never had to stand up and have his photograph taken, or various other measurements taken.

It is a matter of grave concern that the liberty of the people has been invaded at all. Of course, we are here to protect the people from criminals—or to see that the Police Force does—but not at the cost of the liberties of the whole community, surely! If the Police Force is to be used to oppress innocent people then we are striking once again at the roots of liberty and individual freedom.

We talk about the liberty of the State and the liberty of the community, but that is only abstract language. Liberty is understood when a man walks down the street and gets pinched, and he learns what his constitutional rights are worth. "Liberty," as the expression is used at public meetings and in Parliament, is an abstract concept which people do not appreciate. They appreciate liberty only when they run into trouble. I have seen so many innocent people in this dilemma and they come scrambling for legal assistance—and they have received it and have proved themselves innocent, finally. I know how real this problem is.

I urge members of the Government parties at least to reach a compromise in order to diminish, to some extent, the effect which this provision in the Bill will have.

Mr BERTRAM: Even if the Opposition were to be completely sympathetic with the provisions of proposed new section 50AA, it seems that the section will be defective and will have to be further amended. Of course, the Opposition does not go along with the proposition. The provisions of new subsection (2) require the fingerprints to be handed over immediately a person is found not guilty of any offence. However, there is no provision at all for a situation where a person may desire to appeal. Either side could be involved. Nor is there any provision for any time for an appeal to be disposed of. On looking at proposed new section 50AA it seems to me to be defective and to require amendment.

The fact of the matter is that although there may be in the community today more people than previously who are inclined to give their fingerprints freely—some, in fact, are prepared to give them voluntarily, as we have seen—there is still a large number who are disinclined to give their fingerprints to the police. Bearing that in mind, as has already been mentioned, the power to take fingerprints will be unique because this power has never previously existed.

Mr O'Connor: If this amendment were accepted, in its present form, does the member think it would stop people from giving their fingerprints voluntarily?

Mr BERTRAM: Not in my view. It will be giving a power to the police which, although used by them in the past, has never been used by them lawfully. Since so many thousand people resist the concept of police fingerprinting, what we must do is to permit compulsory fingerprinting only when a good case has been made out for it. It is very important that in 1974 we should not do things to put the police behind scratch and to give them less opportunity than is reasonably fair to be able to convict guilty people. However, we have to set the balance in a neat position. We must not criminalise people who are no more criminals than the average good citizen. A person may have committed some petty offence, and the overwhelming probability is that he will never offend again. These people should not be treated in the same way as an habitual criminal or a person who has committed an offence of significance.

The Opposition does not seek to go from the position where no person is obliged to give fingerprints under the provisions of the Police Act as it now is, to a position where every person who is arrested has to give fingerprints, if in fact we can find a solution midway between these points. In other words, as the member for Boulder-Dundas indicated, we are seeking a compromise. We do not want a provision that everyone must be fingerprinted, just because that may be the easy way out.

The purpose of the amendment moved by the member for Collie is an attempt to bring in a level at which fingerprints must be taken. The Opposition goes along with the fingerprinting of persons arrested for major offences, but we do not feel this provision should extend to the petty offender—the man who is certainly not a criminal and who should not be treated as a criminal. Wherever we intrude or even appear to intrude upon the rights and liberties of the people, we should go only to the extent that can be clearly shown to be absolutely necessary. If in the process of following this principle, occasionally a guilty person escapes the net, it is much better than the alternative.

Our laws must not be so harsh that they impinge unnecessarily upon the liberty of our citizens. As I recall, in his earlier remarks, the Minister told us that the provision we are discussing is modelled upon comparable legislation in New South Wales. That may be the case, but he did not tell us the impact or the efficacy of the New South Wales provision. It is of interest to know that we are following a New South Wales provision and not a provision of another State. However, it may well be that we should not follow any of them. It is not good enough to identify the State from whom we took the legislation, we also want to know what it is about this provision which will make it of benefit to us and which will justify our following it.

To sum up, the powers given in this clause are sweeping and we want to bring them back to reasonable proportions. We are as anxious as everyone else to give the police every reasonable opportunity to pursue lawbreakers successfully, but we are not interested in going beyond that if it can be avoided. Indeed, as I said, we would prefer to go slightly the other way and to let an occasional guilty person escape.

Mr A. R. TONKIN: We are talking about a very familiar problem—we must see that the liberties of the subjects are protected. The majority of our population will never be arrested, and certainly, only a very small percentage of it will be arrested for vicious and depraved offences. On the other hand, if one concentrates simply on ensuring that the civil liberties of the subjects are protected, one could hedge the police around with so many restrictions it would make their job impossible. We must attempt to make the job of apprehending criminals as easy as possible. Of course, one of the weapons in the war against crime is fingerprinting. What we must do is to walk a tightrope between the two extremes.

I suppose it is our prerogative to have an opinion, and I believe the Government has overbalanced and it has fallen off the tightrope. The Government considers the apprehension of the criminal more important than the liberties of the people.

As the member for Boulder-Dundas said, it is important to realise that a person can be arrested because of a mischievous intent or vindictiveness on the part of a neighbour or acquaintance. So we must realise that there is a lot of difference between being arrested and being found guilty.

The amendment moved by the member for Collie is a very sensible one. It attempts to differentiate between different classes of offences by particularising certain persons in the proposed fourth schedule to be added to the Bill. This is a very sensible type of compromise because obviously some offences are such that fingerprinting is necessary but other offences can hardly be classed as being of great danger to society. So in the fourth schedule an attempt has been made to differentiate between certain offences. When a significant offence has occurred, the offender must be identified quite clearly without any possibility of error; and this can be done by fingerprinting. The proposed new subsection (2) provides for the destruction of all the means of identification when a person is acquitted of an offence. However, these are only to be destroyed if he knows the law and requests their destruction.

The Opposition has once again endeavoured to walk the tightrope by providing that the fingerprints shall not be destroyed until all possible appeals have been heard. Again this is an attempt to make the job of the police as easy as possible without trespassing on the liberty of the subject. This is another situation where nice judgment is necessary. It is easy to panic and to do what the Commissioner of Police and the Police Department wants, but we must realise that the police officers probably see things from one point of view; they want to apprehend criminals. In their official capacity they are not over-concerned with the liberty of the subject. It is our job to draw the distinction between their needs and those of the public.

We are rather disturbed that assurances have been given by the commissioner which do not seem to tally with the assurances given by the Minister for Police. I believe there is quite a degree of doubt as to whether there are any safeguards in the Bill. So I cannot see that the amendment will make the job of the police any more difficult. The amendment will provide that people of a certain category will have their identification taken when arrested. The prints will be held until after all possibilities of appeal are exhausted and then all copies shall be destroyed in the presence of a person found not guilty of an offence. It seems to me the amendment would meet the needs of the law enforcement agencies and also the need to protect the liberty of the individual. We must never forget it is our duty to uphold that liberty.

Mr O'CONNOR: I appreciate the rational manner in which this debate has been conducted. I appreciate the comments and the concern shown by members. I shall refer to some other matters which are of concern to me.

Just before I proceed to reply to the queries raised, during the debate the member for Collie asked for details in connection with fingerprinting in other States. I did not have the details the other night, but I now have this information. I will make a brief comment on the provisions relating to fingerprinting in each of the States of Australia. The relevant part of section 33 (2) of the Criminal Code Act, 1924, of Tasmania, reads as follows—

... it is lawful for a police officer to take prints of any part of the body of a person in custody.

That is far enough. I will not read any more of that Act. I will give the member for Collie a copy of this document if he would like it.

Mr T. H. Jones: I would like to see it before the third reading debate.

Mr O'CONNOR: In South Australia, the relevant part of section 81 (4) of the Police Offences Act reveals the following—

... any member of the police force of or above the rank of sergeant may take or cause to be taken all such particulars as he deems necessary for the identification of that person, including his photographs and finger prints, and he may use or cause to be used such reasonable force as may be necessary to secure those particulars.

That is not really different from the provisions—

Mr Hartrey: That is an officer above the rank of sergeant.

Mr O'CONNOR: Yes, in South Australia.

Mr T. H. Jones: It has to be a senior officer who takes the prints.

Mr O'CONNOR: The relevant provision in Queensland, section 43 of the Vagrants, Gaming, and other Offences Act reads as follows—

... may take or cause to be taken all such particulars as may be deemed necessary for the identification of such person, including his photograph and finger prints (amended 1958 to include provision for the taking of palm print.)

Mr Bertram: Is that the Police Act?

Mr O'CONNOR: Section 43 of the Queensland Act contains another provision, and this could be important. It reads—

Provided that if such person as aforesaid is found not guilty or is not proceeded against, any finger prints or photographs taken in pursuance of

the provisions of this section shall be destroyed in the presence of the said person so concerned.

Mr T. H. Jones: In other words, it is mandatory.

Mr O'CONNOR: Yes, and it is the only State with a provision of this type. In the Northern Territory the relevant provision appears in section 34 (B) (3) of the Police and Police Offences Ordinance. In Victoria fingerprints are taken under the authority of the Gaols Act. There is no other provision for taking fingerprints in Victoria.

I have given the details of the laws applying in the various States, as requested by the member for Collie.

Mr Bertram: Would the Victorian Act be equivalent to our Prisons Act? They do not have this type of legislation we are now discussing.

Mr O'CONNOR: It is the Gaols Act.

Mr Bertram: In other words, it is for a person already convicted.

Mr O'CONNOR: I do not have the full details; I can get a copy of that Act and let the member have it. I have just obtained some information for the member for Collie so that I could reply to some of the points he made.

Mr T. H. Jones: Did you mention the New South Wales legislation?

Mr O'CONNOR: No, I did not. Section 353A of the New South Wales Crimes Act states—

(3) When a person is in lawful custody for any offence punishable on indictment or summary conviction, the officer in charge of police at the station where he is so in custody may take or cause to be taken all such particulars as may be deemed necessary for the identification of such person, including his photograph and fingerprints and palm-prints.

The member for Collie seeks to amend clause 2; I oppose the amendment. However, as the member for Boulder-Dundas stated, politics consist of compromise and I will be prepared to compromise in a manner I will explain as I go along. The member for Collie seeks to amend proposed new section 50AA by deleting the entire proposed new section and substituting a new section 50AA which states—

Where any person is apprehended and in lawful custody for any offence punishable on indictment or for any of the simple offences particularised in the Fourth Schedule to this Act, any officer or constable of the Police Force may take or cause to be taken all such particulars as he may think necessary or desirable for the identification of that person, including his photograph, measurements, fingerprints and palm-prints.

Proposed new section 50AA of the Bill states—

Where any person is apprehended or is otherwise in lawful custody . . . any officer or constable . . . may take . . . his photograph, measurements, fingerprints and palm-prints.

This provides for the person who is not apprehended but who places himself in custody. We want this person to be included in the provisions of this section and I do not think members opposite would argue about that point.

In regard to the summary conviction provisions, it is not my intention or the intention of the Police Department to fingerprint people arrested for minor crimes. However, cases do arise where people are picked up for minor crimes and are suspected of major crimes such as murder, drug peddling or something of that nature, and it may be necessary to send their prints to the central fingerprint bureau in New South Wales. I should like to quote to members an article which appeared in *The West Australian* of the 23rd August. It reads as follows—

#### FINGERPRINTS TRAP BURGLAR

SYDNEY: The fingerprints of a man arrested for drunken driving matched those of a cat-burglar who had committed 116 burglaries, a detective told the District Criminal Court yesterday.

Alan Charles Evans (24), labourer, of Tenterfield, northern NSW, pleaded guilty to committing 116 burglaries in the upper North Shore area of Sydney between September 1971 and February 1972.

Judge Newton sentenced Evans to 12 months' gaol.

Detective C. Cross said in evidence that Evans had stolen property worth about \$19,000, none of which had been recovered.

Cross said Evans was stopped in June this year for drunken driving and another offence.

This shows how the civil liberties of individuals can be protected.

Mr Hartrey: The person concerned did not get his property back.

Mr O'CONNOR: No, but the liberties of other individuals will be protected for at least 12 months because the criminal will not get the chance of repeating his crime during that time. If he had been apprehended 12 months earlier, the civil liberties of more people would have been protected. No member would disagree with that point of view.

Our job is to preserve the liberties of people so that they can walk down the street without being killed by drunken drivers; so people can leave their homes without having them broken into; and, so that their daughters can walk down the

street without being raped. I believe we can preserve the liberties of these people only by the type of legislation we are discussing. I am prepared to compromise with members opposite in regard to amendments. It is not our intention to fingerprint people for minor crimes; however, in cases where they are suspected of major crimes they will be printed.

The member for Collie raised the point that the Bill provides for the destruction of only the originals and negatives of photographs and fingerprints, when a person is found not guilty; it does not provide for the destruction of any prints or copies that may be made and distributed to the various bureaux. I am prepared to agree to this view. To show our sincerity, I have been in touch with the Commissioner of Police in New South Wales, where the fingerprints for people all over Australia are retained in a central bureau. If for instance a person comes to Western Australia and is picked up on a minor offence, but is suspected of a major offence, the prints are sent to New South Wales to establish whether he is wanted elsewhere.

Today, the police must be more experienced and expert than ever before in the field of crime prevention because the criminal today is much more sophisticated. In many cases, criminals from the Eastern States are arrested in this State on minor charges and give false names and addresses and, therefore, are considered as first offenders. The only way in which it can be established that they are wanted elsewhere for major offences is by taking fingerprints and sending them to New South Wales for checking. Even magistrates and judges have indicated their disquiet that certain people cannot positively be identified.

I give as an example the case of an Aboriginal man who was arrested and who gave a false name and address. He gave the name and address of a relative of about the same size and description. He was let out on bail and failed to reappear. When the police went to the address given by this individual, the person they spoke to claimed he was innocent and, of course, he was. It was only when fingerprints were taken that the police positively established that the person they had taken into custody on the second occasion was not the person originally charged with the crime. Subsequently, that person was acquitted and eventually the man who had actually committed the crime was arrested.

Mr Hartrey: He was acquitted too, because I got him acquitted.

Mr O'CONNOR: I do not know whether the member for Boulder-Dundas is referring to the same case.

Mr Hartrey: I think I am; it was the case of two black brothers in Kalgoorlie, was it not?

Mr O'CONNOR: No, this occurred in Perth, but the interjection of the honourable member shows how often this occurs. I am glad the honourable member came in with his interjection. People do not realise how often these cases occur. On many occasions, people have been identified by their friends when, effectively, there are few other ways of identifying them.

The way to overcome the problem raised by the member for Collie in regard to the destruction of copies of photographs and fingerprints would be by amending clause 2, line 19, by adding after the word "original" the words "negatives and all other available copies". I would be prepared to write to the Minister for Police and the Commissioner of Police in New South Wales, which is the State we deal with mainly, acquainting them with our legislation and requesting that no copies be taken of any fingerprints or photographs we may send to New South Wales. Any photographs, negatives, or copies that are taken will be sent back to this State and destroyed in the presence of the person who was found not guilty.

There is no intention on the part of the police to retain the records of people who are found not guilty by the courts. I suggest that this amendment will meet the requirements of the member for Collie; in effect, it will mean that all photographs, negatives and copies will be destroyed in the presence of the person concerned.

The CHAIRMAN: Order! Could I ask the Minister to put his amendment in writing and hand it to the Chair?

Mr O'CONNOR: I was waiting to hear the comments of members opposite in reaction to my proposed amendment before I moved it formally, Mr Chairman.

Mr T. H. JONES: It would be preferable if the Minister had given us notice of his amendment and had circularised it so that we could have had a clear appreciation of its intent. He has just indicated that he is prepared to move an amendment on the amendment and it is not easy for us to grasp its full import without careful study.

The CHAIRMAN: Could I interrupt the honourable member on that point? That is the very reason I ask for amendments to be handed in—so that they can be circularised.

Mr T. H. JONES: The amendment goes part of the way, but not all the way. The Minister would agree that we have adopted a responsible attitude to this legislation. A moment ago during his summing up the Minister said it was his job to protect the rights and liberties of the people. That is precisely what we consider our amendments will do.

The Minister referred to the position in other States. During his second reading speech he said that similar legislation is



operating in other States of the Commonwealth. We on this side of the Chamber have not had an opportunity to consider the various pieces of legislation covering the situations in other States, although it will be appreciated by members that that legislation does not operate in the same manner as the legislation proposed by this Bill will operate. The Minister can correct me if he considers I am wrong on this point; however, he said that in Tasmania, fingerprints can be taken whilst a person is in custody. That is a little different from the provisions contained in this Bill. In South Australia, fingerprints can be taken only by an officer of a rank higher than sergeant, which indicates that in South Australia this matter has been considered very seriously. That State does not allow a first-year or a second-year constable or even a sergeant to take prints. It appears to me that in South Australia such information can be obtained only after close consideration is given to the matter, probably at the level of inspector.

This is a most important part of the legislation. The Minister assured me in his reply that the police would act leniently and that common sense would prevail. Unfortunately, police are human. One policeman will adopt a reasonable attitude while another might take a hard line. We know that from our own experience. We have seen a sergeant come to town and adopt a reasonable attitude while the next sergeant who was posted to that town adopts a hard attitude. I will not say the exact words which are in my mind, but members know what I mean.

Mr O'Connor: I agree; it is the same with members of Parliament.

Mr T. H. JONES: The only difference between members of Parliament and members of the Police Force is that in Parliament, other members can reply to what they consider to be an injustice, whereas the poor person who is arrested and put in gaol does not have the same opportunity.

It could not be denied that South Australia has taken a responsible, careful attitude to this matter, because in South Australia the authorities do not allow just anyone to take this information; it must be an officer of a higher rank than sergeant. That is a little different from the situation contained in the legislation now being considered by the Committee. Queensland has followed the course we suggest should be adopted in Western Australia and I am glad to see that the Minister is prepared to compromise. His amendment will not go all the way, but at least it is a start. The Queensland legislation states that it shall be mandatory for all prints to be destroyed when a person is found not guilty. We have not had the opportunity to consider the Goals Act of Victoria or the Crimes Act of New South Wales. According to the Minister, under

the provisions applying in New South Wales, the police may require that fingerprints be taken from a person arrested for any offence.

In his reply, the Minister said we need not worry about the words "or otherwise". My learned legal colleagues on this side of the Chamber have expressed concern with those words. Of course, I am only a layman, but I assure members that this Bill has been dealt with by our legal committee and also by our traffic committee.

My learned friends and colleagues, the member for Mt. Hawthorn and the member for Boulder-Dundas, are both lawyers and they are not happy with the provisions that remain in the Bill. My concern is that we have had the Minister saying that the police, where minor charges are involved, will not enforce the provisions of this measure, but we do not have any guarantee on that. This is only the word of the Minister. It is his duty to see that the legislation is enacted, but it is the responsibility of others to ensure that it is administered. That is the reason for my concern. The same principle applied in the Fuel, Energy and Power Resources Act Amendment Bill—we had only the statement of the Minister as to the administration of that measure.

We want to ensure that the fingerprinting and palm-printing of a person will not be carried out. Whilst the Minister has gone part of the way to achieve this objective, we consider that our amendments will ensure this. I am not happy with the present situation and therefore I would prefer to have the amendments appearing on the notice paper in my name accepted. We have adopted a reasonable attitude mainly to protect the rights of the individual. That is our main concern, and it would be preferable if the Committee accepted our amendment instead of that foreshadowed by the Minister.

Mr HARTREY: On the point that is causing some anxiety both to the Minister and the mover of the amendment, if we delete the words "apprehended or is otherwise" in the first two lines of proposed new section 50AA, the provision would then read—

Where any person is in lawful custody for any offence . . .

Then it must be an offence. If a person is in custody for failure to pay a debt, that is not an offence and the provision should not apply.

Mr O'Connor: I will explain that.

Mr HARTREY: All right. Otherwise I am prepared to agree that the Minister's concessions are acceptable.

Mr O'Connor: For the Committee to agree to my amendment, it would be necessary for the member for Collie to withdraw his.

Mr T. H. Jones: That is what I wanted to see the Minister about, otherwise we will be in bother.

Mr SKIDMORE: I am not completely satisfied with the amendment proposed by the Government, because I do not think it will achieve what it is meant to achieve. Can the Minister tell me what is the true intention of the amendment?

Mr O'Connor: Yes, the negatives and the originals will be destroyed in his presence if he so requests.

Mr SKIDMORE: Our main objection is to the words, "if a person so requests that they be destroyed". People in custody are possibly not aware of their rights and privileges in accordance with the law. In fact, many people, including myself, are very ignorant of the law at times, and such a person may not know that he has the right to request that the prints or photographs be destroyed if he so desires.

There should not be any doubt or ambiguity in the provision. It should be made clear by deleting from the clause the words, "if so requested by that person", and the clause would then provide that the palm-prints and fingerprints taken would be destroyed in his presence. That would remove all doubt concerning the provision. It would be clear and precise that a person would not have to exercise some prerogative which may not be known to him. Surely that is not an unreasonable request. I may be offside with some members of the Committee, but I doubt it, because I think this was the intention of the clause. Therefore I hope the Minister will accede to that request.

Mr BERTRAM: It is heartening to see that there is the prospect of subsection (2) of proposed new section 50AA being amended. Personally I am concerned about the wording of the proposed amendment. The intimation given by the Minister is that after the word "original" in line 19 of clause 2 on page 3, the words, "negatives and other copies available" shall be inserted. My concern is that the words, "all other copies available" represent an extremely broad term.

Mr O'Connor: I tried to cover the instance of getting a print back from the Eastern States. This provision gives us the opportunity to destroy all copies.

Mr BERTRAM: I appreciate that. What I am concerned about is whether we are achieving what we are anxious to achieve with this Bill. I think we should pause for a while so that we can look at the amendments and then consider the Bill again in its amended form, because it is very important. We have already discussed the measure and one point, which is not the least important, is the fact that people may incriminate themselves, which, generally speaking, is a very bad thing.

As members of the Opposition we appreciate the efforts which are being made, but I am concerned that we may not be giving effect to our intentions. The word "available" is very broad, and whilst our intentions may be laudable, our endeavour here to give effect to our intentions is something that is causing me grave concern.

Also, there is room for other words to be added to the clause. I am speaking now of subsection (2) of proposed new section 50AA. I suggest to the Minister that it would help him if, after the words "destroyed in his presence", we added, "but not until the time for an appeal from the finding has expired or an appeal from the finding has been resolved in favour of the accused person". Otherwise, a person who is found not guilty of the charge in a court of petty sessions could arrange for the print and copies of his fingerprints to be destroyed. Subsequently on appeal the prosecution may succeed in the charge, and the person who was found not guilty in a court of petty sessions is later found guilty on appeal. In the meantime his fingerprints have been destroyed. I do not think that is the intention of this Chamber.

Mr O'Connor: I would agree to the insertion of the words proposed by the honourable member.

Mr BERTRAM: The words I have mentioned are similar to those appearing in the Official Prosecutions (Defendants' Costs) Act.

Mr O'CONNOR: I have had a brief discussion with the member for Collie on this matter, and I have given an undertaking that if the honourable member withdraws his amendment, I will proceed to move mine and I would be agreeable to the insertion of the words proposed by the member for Mt. Hawthorn. I will have a further discussion with the member for Collie, and, if necessary, I will have an amendment made when the Bill is before another place. The amendment I have proposed will go a long way towards overcoming the problem outlined by the Opposition.

Mr T. H. JONES: To enable the Minister to move his amendment, and the member for Mt. Hawthorn to include the words he has outlined, I seek leave to withdraw my amendment, so that before the legislation is dealt with in another place we could have a conference to arrive at something which is suitable.

Amendment, by leave, withdrawn.

Mr O'CONNOR: As I indicated earlier, I move an amendment—

Page 2, line 19—Insert after the word "original" the words "negatives and all other copies available".

Mr HARTREY: Would the Minister be prepared to delete the words "apprehended or is otherwise" in lines 4 and 5 on page 2?

Mr O'CONNOR: I see no reason for those words to be retained in the clause.

The CHAIRMAN: If the Minister is agreeable it would be necessary for him to seek leave to withdraw his amendment, because those words appear before the words he seeks to insert.

Mr O'CONNOR: I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr HARTREY: I move an amendment—

Page 2, lines 4 and 5—Delete the words "apprehended or is otherwise". Amendment put and passed.

Mr O'CONNOR: I now move my amendment—

Page 2, line 19—Insert after the word "original" the words "negatives and all other copies available".

Mr BERTRAM: I would like to intimate our concurrence with this amendment, in the terms of the undertaking given to the member for Collie.

Amendment put and passed.

Mr BERTRAM: As I intimated earlier, I move an amendment—

Page 2, line 22—Insert after the word "presence" the words "but not until the time for an appeal from the finding has expired or an appeal from the finding has been resolved in favour of the accused person".

I have already given the reasons for the insertion of these words.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3 put and passed.

Clause 4: Section 90A amended—

Mr T. H. JONES: I move an amendment—

Page 2, lines 36 and 37—Delete the words, "whether by a member of the Police Force or otherwise" and substitute the words, "by a member of the Police Force or any other person or body authorised by a member of the Police Force".

We consider that the clause in its present form is too loose and could be subject to abuse. For instance, someone could authorise, say, a taxi driver to make a journey involving hundred of miles, and then he could claim the cost involved when all the time the call was a phoney. We believe that someone with authority should issue the directions and this is the intention of the amendment.

We consider that a member of the Police Force should be able to designate his powers, or any other person authorised by the Police Force could designate his powers.

The situation could well be that a stolen car is thought to be at the border of South Australia and Western Australia. Under the amendment, the police could

telephone the nearest shire clerk, justice of the peace, or some responsible person and request him to check on the car. In this way the legislation would not be open to abuse.

I canvassed the matter at great length during the second reading debate so I will not weary the Committee with tedious repetition. We are merely attempting to tidy up the provision as we did with our previous amendments.

Mr O'CONNOR: I believe we should be a little cautious with this amendment. I sought some information from the Commissioner of Police who advised me as follows—

The proposed amendment to the Police Act to be proposed by Mr T. H. Jones, M.L.A., in committee, is to restrict the recovery of costs resulting from the making of a false statement to those incurred by the Police Department or to those authorised by a member of the Police Force.

It would not allow a person who has been falsely accused of a crime to recover costs which he has prudently incurred to clear his name. Subsection 3 of Section 90A at present gives a person so accused this redress and the amendment suggested by Mr Jones would remove this right.

We must realise of course that the individual must take the matter to court and justify the expense.

I consider that the clause as written is adequate because it gives an individual the right to apply for costs if he considers he has been unfairly treated. However, he must go to court for this purpose. I consider the clause should remain as it is.

Amendment put and negatived.

Clause put and passed.

Clause 5 put and passed.

Title put and passed.

Bill reported with amendments.

## TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

### *Council's Amendment*

Amendment made by the Council now considered.

### *In Committee*

The Chairman of Committees (Mr Thompson) in the Chair; Mr Rushton (Minister for Urban Development and Town Planning) in charge of the Bill.

The amendment made by the Council was as follows—

Clause 3, page 2, after line 17—Insert a new paragraph to stand as paragraph (b), as follows—

(b) by adding after subsection (2) a subsection as follows—

(2a) If The Local Government Association of Western Australia (Inc.)

fails to submit to the Minister a panel of names for the appointment of a member in accordance with subsection (2) of this section within thirty days after the receipt by it of a written request from the Minister so to do, the Minister may nominate for appointment as member of the Board, in place of that body's default, a person willing to act as member.

Mr RUSHTON: I move—

That the amendment made by the Council be agreed to.

The purpose of the amendment is to cover the situation should the Local Government Association not submit a panel of names to the Minister. In these circumstances the Minister himself will have the opportunity to nominate someone from the Local Government Association. The amendment is quite clear and I ask the Committee to support it.

Mr TAYLOR: We have no objection to the amendment. Members will recall the debate which took place between the Minister and myself when this matter was brought before the Committee and I suggested the Minister might be wise to allow the selection of a member from local government to be his own prerogative. The Minister insisted on retaining the provision which was in the Bill—that the Local Government Association should nominate three people.

The House of Review—inverted commas and capital letters all the way—has seen fit after a lengthy debate to go roughly half way. It has made an amendment against which I would have fought; it is not one thing or the other. The amendment suggests that after a certain period the Minister can appoint anyone he wants to if the Local Government Association does not submit a panel of three names.

Mr Rushton: The appointment would still be from the association.

Mr TAYLOR: Agreed. However, I cannot for the life of me see why the Local Government Association should not nominate a panel within a period of 30 days. Such an omission would have to be an accident and I doubt whether that will ever occur. If such a situation should occur the position will revert to that which I proposed and the Minister will have the right to choose someone from local government.

I say the amendment is not as good as the provision in the original Bill, and certainly not as good as the amendment which we put forward. It is a combination of the two and does not satisfy either. However, it is not important and I will not persevere with any objection.

Mr RUSHTON: The position is not quite as the honourable member stated. I accept his support and point out that the amendment, which exists in other similar legislation, is purely to provide a protection against an abnormal situation. The original objective will be retained and a person involved in local government will serve on the Town Planning Board and will make known to the other members of the board the local government point of view.

Question put and passed; the Council's amendment agreed to.

### *Report*

Resolution reported, the report adopted, and a message accordingly returned to the Council.

### ADJOURNMENT OF THE HOUSE: SPECIAL

MR McPHARLIN (Mt. Marshall—Deputy Premier) [5.35 p.m.]: I move—

That the House at its rising adjourn until 4.30 p.m. on Tuesday, the 1st October.

Question put and passed.

*House adjourned at 5.36 p.m.*

## Legislative Council

Tuesday, the 1st October, 1974

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

### BILLS (11): ASSENT

Messages from the Lieutenant-Governor and Administrator received and read notifying assent to the following Bills—

1. Plant Diseases Act Amendment Bill.
2. Weights and Measures Act Amendment Bill.
3. Hire Purchase Act Amendment Bill.
4. Wheat Marketing Act Amendment and Continuance Bill.
5. Official Prosecutions (Defendants' Costs) Act Amendment Bill.
6. Traffic Act Amendment Bill.
7. Stamp Act Amendment Bill.
8. Constitutional Convention Bill.
9. War Service Land Settlement Scheme Act Amendment Bill.
10. Metropolitan Region Town Planning Scheme Act Amendment Bill.
11. Daylight Saving Bill.