proposed amendments. In many cases I can think of reasons myself, but not in all cases.

I wish also to mention the provision for escaping payment of compensation for unmined minerals. Part of this provision leaves me a little puzzled but I will reserve my decision until I have heard from other members who would know a good deal more than I do about this subject. Amongst those I include the Leader of the Opposition who was for many years the Minister for Mines and who would have a far greater understanding of these provisions that I would. However, there is one point on which I would seek enlightenment and that is the deletion of the words "shall be held under lease granted under any Act relating to the granting of leases or licenses to hold land for mining purposes the lessee or licensee of such land shall only be" and the insertion of the words, "is held for any right, title, estate, or interest under any Act relating to the use of land for mining purposes, the holder of such right, title, estate, or interest is only." I would like some enlightenment on this question: Could this provision be used to escape payment?

The Hon. J. Dolan: Which clause are you speaking to?

The Hon. F. D. WILLMOTT: Clause 3. Could the provisions contained in this clause be used to escape the payment of compensation for unmined minerals in the case of the holder of a freehold title issued prior to—I think it would be 1899? At that stage the land holder was entitled to full mineral rights under his freehold title. I cannot answer this question myself and I would like some enlightenment about it.

I would like to mention another provision to which I do not object at this stage, although other members may not agree with me. This is the provision for payment of an amount not exceeding two-thirds of the amount of compensation payable to persons from whom land has been resumed before all resumption formalities have been concluded.

At present the Act provides that formalities must be concluded before any compensation can be paid. I agree with this provision and see no reason to object to it.

Similarly I can see no objection to the provision limiting interest payments on certain amounts owing. We can easily visualise a situation arising where a person has had land resumed but causes undue delay in finalisation. In fact, this has been done. Some people who have had land resumed almost use this as an investment—to collect interest on compensation payable under the provisions of the payment of interest. I do not oppose this provision.

Those are the only comments I wish to make on the Bill, but I would be pleased to hear from other members who would have more knowledge of the other provisions I have mentioned. Again I say that I deplore the lack of information in the Minister's speech. I had to think up many reasons for the amendments myself. It is usual, when introducing a Bill of this type, to give an indication of the reason for the main amendments contained in the Bill.

Some of them, admittedly, are consequential and that is easily understood. I found great difficulty in studying the Bill and relating it to the Act to find the reasons for the proposed amendments when there was absolutely no information given by the Minister in his speech when he introduced the Bill.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government).

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [10.31 p.m.]: I move—

> That the House at its rising adjourn until 2.15 p.m., Wednesday, the 3rd May.

Question put and passed.

House adjourned at 10.32 p.m.

Legislative Assembly

Tuesday, the 2nd May, 1972

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

DEPUTY CHAIRMAN OF COMMITTEES

Appointment

THE SPEAKER (Mr. Norton): I have to announce that as the Chairman of Committees will be away for some time I have appointed the member for Merredin-Yilgarn (Mr. Brown) to act as a Deputy Chairman of Committees.

IRON ORE (RHODES RIDGE) AGREEMENT AUTHORIZATION BILL

Leave to Introduce

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [4.33 p.m.]: I move—

> That leave be given to introduce a Bill for "An Act to authorize the execution on behalf of the State of an Agreement with Rhodes Ridge Mining Co. Ltd., Hancock Prospecting Pty. Ltd., Wright Prospecting Pty. Ltd., and Texas Gulf Inc. relating to the Exploration for, and the Development and Treatment of, Iron Ore and for incidental and other purposes."

Mr. Speaker, I wish to explain to the House that owing to a slight error in the drafting of the Bill which is Order of the Day No. 8 on the notice paper, it is necessary for me to give notice of the introduction of this Bill. It will replace Order of the Day No. 8; it is not an additional Bill.

Question put and passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by Mr. Graham (Minister for Development and Decentralisation), and read a first time.

BILLS (2): INTRODUCTION AND FIRST READING

1. State Trading Concerns Act Amendment Bill.

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

2. State Housing Act Amendment Bill.

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

QUESTIONS (28): ON NOTICE

1. ORCHARDS

Registration: Cost

Mr. W. A. MANNING, to the Minister for Agriculture:

(1) In what way is the expenditure of $34,000, quoted by the Premier as the cost of receiving the license fees for registration of orchards, incurred?

(2) What staff is required solely or partly in this particular work?

Mr. H. D. EVANS replied:

(1) Full time and seasonal staff plus printing, stationery, postage, and publicity costs.

(2) Three clerks are required to be employed on a full-time basis with six clerks employed on a seasonal basis.

Additional to this the fruit-fly inspectors employed are required to spend a portion of their time on collection of registration and policing regulations applicable to registrations. From time to time senior administrative staff are involved to varying degrees.

2. HOUSING

Merredin-Yilgarn

Mr. BROWN, to the Minister for Housing:

In the Shires of Kulin, Kondinin, Narembeen, Merredin, Westonia, Southern Cross and Coolgardie—

(a) what number of housing units are vacant;

(b) what number of applications are outstanding;

(c) what is the building programme for 1971-72;

(d) what is proposed for 1972-73, with the State Housing Commission?

Mr. BICKERTON replied:

(a) and (b)—

	Vacancies		
	Current	Annual Turnover	Outstanding Applications
Kulin	5	5	Nil
Kondinin	16	19	Nil
Narembeen	8	8	Nil
Merredin	4	46	20
Westonia	Nil	No houses	Nil
Southern Cross	Nil	5	4
Coolgardie	Nil	No houses	1

(c) Nil unless the demand-needs situation substantially alters.

Five units were originally planned for Merredin and two units for Coolgardie. Following a review of the demand situation however, the programme was deferred.

(d) The building programme for 1972-73 in centres mentioned will be determined in light of demand and needs of all centres in the various parts of the State.

3. SINGLE MILK AUTHORITY

Legislation

Mr. REID, to the Minister for Agriculture:

(1) Will legislation relating to the proposed single milk authority be introduced this session?

(2) Will he give an assurance that sufficient time will be made available for all aspects of the scheme to be fully examined by farmers before being considered by Parliament?

Mr. H. D. EVANS replied:

(1) The legislation will be introduced at the earliest opportunity but not before the rising of the first part of this session.

(2) The proposals were discussed initially with leaders of the whole milk and dairy sections of the Farmers' Union and these discussions will continue when the draft of the proposed legislation is available.

4. MINISTERIAL VISITS TO TASMANIA

Purpose and Cost

Mr. McPHARLIN, to the Premier:

(1) Is it a fact that three Ministers of the Government were in Tasmania on Saturday, 22nd April, 1972, i.e., the day of the elections?

(2) What was the purpose of the visit?

(3) What was the cost to the State?

Mr. J. T. TONKIN replied:

(1) Yes.

(2) The Cabinet subcommittee visited Tasmania to study the election day procedure in respect of general activities and especially the effect of the prohibition of the use of how-to-vote cards on election day, and the quick count methods used in counting the poll.

This was complementary to inquiries authorised by the Government and conducted by the Chief Electoral Officer last year when he visited New South Wales, Victoria, and Queensland to gain information on ways of improving the various systems in this State.

(3) Approximately $600.

In amplification of that reply I would like to inform the House that the Bethune Government was pleased to make available to the three Ministers transport facilities and easy entrée to polling booths and to the Chief Electoral Officer in order that the inquiries they proposed to carry out could be facilitated.

5. ENVIRONMENTAL PROTECTION

Lead Content in Atmosphere

Mr. A. R. TONKIN, to the Minister for Environmental Protection:

Will he inform the House of the monthly readings in the lead content in the atmosphere over the central city area during the past 12 months?

Mr. H. D. EVANS (for Mr. Davies) replied:

Samples have been taken over the last 12 months. There are technical difficulties in determining a satisfactory scientific method of analysis of these samples.

It is hoped that a new technique now being investigated by the Government Chemical Laboratories will provide a means of analysis.

6. RURAL RECONSTRUCTION SCHEME

Rehabilitation Loans: Qualifications

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

(1) What are the qualifications necessary for a farmer to qualify for a rural reconstruction rehabilitation loan of $3,000?

(2) Could he detail the position of—

(a) a share farmer living on property and solely operating on that property;

(b) a share farmer working on more than one property but not permanently residing on these properties;

(c) a manager permanently residing on property;

(d) lessee whose lease has expired?

Mr. H. D. EVANS replied:

(1) Conditions of eligibility are—

(a) The applicant's property must have been purchased by an adjoining owner who has been assisted under the farm build-up provisions to make the purchase, or the applicant must have been unable to secure assistance under the debt reconstruction provisions because his property is assessed not to have sound prospects of long term commercial viability; and

(b) Taking into account the financial position of the applicant after his property has been sold, he will suffer financial hardship which will be alleviated by assistance under these provisions.

(2) (a) If the property he was operating on had been sold under either of the conditions of (1) (a), or he had been declined a loan under reconstruction and his withdrawal from farming resulted in personal hardship, he could be eligible.

(b) He is not "an owner, lessee or occupier of land."

(c) He is not eligible.

(d) He would be eligible if the farm he was leasing nad been sold under farm build-up conditions or if he had been declined assistance under rural reconstruction, but again on personal hardship conditions.

7. EDUCATION

Reading Materials: Free Supply

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

(1) Will the same scale of entitlement apply in 1973 for free reading materials in the primary schools as applied in 1972?

(2) Has the provision of free reading materials in primary schools narrowed the choice available to pupils as compared with what existed in most schools prior to 1972?

(3) Will schools be offered as wide a choice of reading materials in 1973 as they had in 1972?

(4) Will he indicate the extent of discounts from retail price that bulk purchase made possible?

Mr. T. D. EVANS replied:

(1) Yes.

(2) No.

(3) Schools will be offered a wider choice in that some 400 more titles have been added to the list, which still contains a section for schools to order special books or series not contained in the printed list.

(4) This information is confidential and cannot be disclosed.

8. LOCAL AUTHORITIES

Commonwealth Financial Assistance

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

Will the Treasurer consider approaching the Commonwealth Government with a view to developing with that Government a scheme whereby local governing bodies, which are responsible for areas that are developing at an extremely rapid rate, may be assisted financially so that they may be able to provide more adequately amenities such as halls, developed parks and kindergartens?

Mr. J. T. TONKIN replied:

Yes.

9. COLLIE COAL

Production, and Depth of Mines

Mr. JONES, to the Minister for Mines:

(1) What tonnages of coal were produced from the undermentioned collieries:—

(a) Co-operative;

(b) Neath-Cardiff:

(c) Stockton;

(d) Proprietary;

(e) Ewington;

(f) Griffin;

(g) Wyvern;

(h) Black Diamond;

(i) Westralia;

(j) Western No. 1?

(2) What was the percentage rate of extraction for each particular colliery?

(3) What was the average depth of each particular colliery?

Mr. MAY replied:

	(1) Production (Tons)	(2) Percentage Extraction	%	(3) Max. Depth of Workings ft.
(a)	4,478,397	Old area	55–65	1,085
		Last worked area	40	
(b)	3,079,688	Overall	35	275
		Overall	75	323
(c)	2,707,362	Top seam	80–85	492
		Bottom seam	65–70	
(d)	4,791,899	Old	53–68	650
		New	40–40	
(e)	490,716	Overall	35	280
(f)	1,783,683	Overall	65–70	704
(g)	759,807	Overall	60–65	560
(h)	69,154	Overall	45	135
(i)	84,483	Overall	45	342
	New 1,589,308	Not available		N.A.
	Old			
(j)	335,785	Overall	30	187

N.B. Maximum depths have been given in lieu of average depth.

10. RURAL RECONSTRUCTION SCHEME

Family Properties: Acquisition

Mr. REID, to the Minister for Agriculture:

(1) Will he define the passage in the Commonwealth Act (States Grants (Rural Reconstruction) Act of 1971) that precludes funds from rural reconstruction being made available to farmers' sons wishing to buy the family property from their fathers?

(2) Would he not agree this matter rests with States to settle when drafting complementary legislation?

(3) Does he recognise this shortcoming in the rural reconstruction scheme is having a serious effect on the successful reconstruction of viable farming in Western Australia by restricting the intergenerational transfer of land, property and control against sons wishing to continue the farming traditions, quite apart from the associated human and social problems?

(4) As the majority of farms are managed under a family partnership, would he be prepared to act in such a way to include this section of the farming community in the rural reconstruction scheme in Western Australia?

Mr. H. D. EVANS replied:

(1) It is not possible to interpret the purposes under part II—debt reconstruction or part III—farm build-up as applying to the purchase of a farmer's property by his son in other than special circumstances. The State in its definition of "farmer" in the Rural Reconstruction Scheme Act did provide for these special circumstances whereby a farmer's son

does qualify where he is a partner or a sharefarmer in occupation, or already owns farmland.

This limitation is firmly held by the Commonwealth and all States.

(2) The State's complementary legislation must be within the spirit of the Commonwealth-State agreement, which clearly does not contemplate the type of assistance the member has in mind, and does not provide for it financially.

(3) Funds for this purpose are available from normal sources and/or suitable within-family arrangements can be made.

(4) Partners are qualified to make application under usual conditions.

11. BANKRUPTCIES

Number

Mr. W. A. MANNING, to the Attorney General:

(1) How many bankruptcies were there in the State from September, 1969 to February, 1971?

(2) What were the numbers in each occupation represented in this number?

Mr. T. D. EVANS replied:

(1) and (2) The laws governing bankruptcy are administered by the Commonwealth Government and the required information is not available from records within my jurisdiction.

12. YUNDURUP CANALS SCHEME

Dredging

Mr. MENSAROS, to the Premier:

Referring to my question 24 on 23rd March, 1972 and his reply, would he give an assurance that the Harbours and Rivers Branch of the Public Works Department controlling the dredging in connection with the Yundurup canals development will guarantee that the dredged canal in the estuary will not be nearer to the northernmost natural river branch mouth than shown on the approved plan?

Mr. J. T. TONKIN replied:

The dredging is being carried out within the approved lease boundaries which have been defined by an experienced hydrographic surveyor. Subject to the practical tolerances normally applied to such dredging work, the dredging will be contained within these boundaries.

13. INDUSTRIAL AWARDS

Publication in Gazette

Mr. MENSAROS, to the Minister for Labour:

Further to my question 13 on 13th April, 1972 is it a fact that section 40 (1) of the South Australian Industrial Code 1967-1970 requires the registrar to publish in the *Gazette*, as soon as practicable after any alteration in the living wage, a copy of every award affected by the alteration amended in accordance with such alteration; besides living wage variations, other variations are incorporated where necessary, and the consolidated awards are then published together in the form of a supplementary gazette?

Mr. TAYLOR replied:

In general, yes.

The information contained in the answer to question 13 of the 13th April was not completely factual. A personal discussion with the South Australian Industrial Registrar reveals that a consolidated supplementary *Gazette* was prepared for two or three years. However, last year problems in compilation called for a shorter version to be issued.

South Australia is to attempt a special *Gazette* this year after the national wage decision.

I have arranged for copies of the latest South Australian *Gazettes* to be air-freighted to the Department of Labour and they will be made available for the perusal of the member when received.

14. HOUSING

Stoppage of Work: Involvement of Mr. Clohessy

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

(1) Is Mr. R. W. Clohessy (State secretary of the Building Workers Union) who is reported as having declared black the State Housing Commission Girrawheen housing project, and others, the same person whom the Government has recently appointed a State Housing Commissioner?

(2) Would not prolonged stoppage of work seriously inhibit the State Housing Commission's aim to provide homes for workers?

(3) Is he or the Commission concerned at this development and that the stoppage was either initiated or condoned by one of the Commissioners?

Mr. BICKERTON replied:

(1) Mr. R. W. Clohessy, State Secretary of The Building Workers' Union, has been appointed a Commissioner of the State Housing Commission. The State Housing Commission has not been notified of a black ban on its Girrawheen Housing Project.

(2) Yes. Occupancy could be delayed.

(3) The commission is always concerned with any delay to its housing programme however it may be caused. Whatever action may have been taken by Mr. Clohessy in this particular instance would be taken by him in his role of Secretary, Building Workers' Union, not as a commissioner.

15. ROCKINGHAM-KWINANA HOSPITAL

Naval Base Personnel: Admission

Mr. RUSHTON, to the Minister for Health:

(1) Was consideration previously given to incorporating in the Rockingham-Kwinana hospital plan accommodation for the Navy's requirement resulting from establishment of H.M.A.S. Stirling?

(2) If "Yes" what has caused this to be changed?

(3) What is holding up the completion of the plans and specifications now as witnesses have confirmed that planning was well advanced two years ago?

(4) Why are the plans and specifications for the hospital not ready for calling of tenders this April and May?

(5) When will the plans and specifications be ready for calling of tenders?

(6) Will he table a copy of the plan?

Mr. H. D. EVANS (for Mr. Davies) replied:

(1) and (2) This was considered by departmental officers but discussions with the Navy indicate that Navy personnel would use the Hollywood Repatriation Hospital.

(3) and (4) In March, 1970, preliminary sketch studies only were submitted to the Medical Department. Much planning has proceeded since but a final sketch plan has not yet been approved.

When this has been achieved it will be possible to commence working drawings and specifications.

(5) No firm date can be given.

(6) When a final sketch plan is approved a copy will be tabled.

16. ROCKINGHAM GOLF CLUB

Replanning of Course

Mr. RUSHTON, to the Minister for Town Planning:

(1) Has a decision been made to enable the Rockingham Golf Club to replan its course and amenities, due to the impending severance of the present course by the planned railway extension to Mangles Bay?

(2) If not, is consideration being given to—

(a) compensation for severance;

(b) availability of severed land and buildings for establishing an elderly persons village?

(3) What stage have the considerations reached?

(4) When can a firm decision be expected?

Mr. GRAHAM replied:

(1) The only decision taken to date on the replanning of the Rockingham Golf Club has been in respect of an alteration to lease boundaries to include the remaining 80 acres of Reserve No. 20226.

(2) (a) The question of compensation has not been decided.

(b) Yes.

(3) (a) The question of compensation will not be decided until the timing of construction of the Point Peron rail spur is known.

(b) An area of land will be earmarked for an elderly citizens' home in the Rockingham town planning scheme shortly to be considered for preliminary ministerial approval. The land will not be available for use by the home until excised by the railway.

(4) Answered by (3).

17. THORNLIE, ROCKINGHAM, AND KELMSCOTT HIGH SCHOOLS

Building Costs

Mr. RUSHTON, to the Minister for Education:

(1) What was the actual cost of stage one of Thornlie and Rockingham high schools and estimated cost of stage one of Kelmscott high school?

(2) What items of cost would be applicable in the contracts for Thornlie and Rockingham high schools and not in Kelmscott (e.g., finance charges, penalty for non-completion, costs incurred for limited period contract, profit, etc.)?

(3) For the items listed in (2), what was the actual or estimated cost in the Rockingham and Thornlie contracts?

(4) By estimation, how much is expected to be saved in using day labour and the Public Works as contractors for building Kelmscott high school?

(5) Will he support this estimation with details?

Mr. T. D. EVANS replied:

(1) Thornlie—$566,495.
Rockingham—$565,739.
Kelmscott—$651,679.

(2) (a) Builders profit.
(b) Finance charges if applicable.

(3) Amounts allowed by contractors not known.

(4) By estimation it is expected that construction using day labour is marginally different in cost from that by contract in respect of these schools.

(5) Answered by (4).

18. KWINANA-BALGA POWER LINE

S.E.C. Advertisement

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

(1) What was the cost of the full page advertisement in *The West Australian* of Saturday, 22nd April, 1972, putting the State Electricity Commission's case for routing high tension power lines through Guildford Grammar School grounds?

(2) Will this cost be passed on to consumers; if not, from what source of funds was the advertisement financed?

(3) Does he consider this is a warranted use of public moneys?

(4) Was the reason for the advertisement because there had been so many complaints about the proposal?

(5) Is he able to give an unequivocal assurance that the siting of these lines will create no risk to students?

Mr. MAY replied:

(1) $803.00.

(2) Yes. This would amount to ½c each.

(3) Yes.

(4) No, but there has been uninformed comment and misunderstanding.

(5) The line will create no abnormal risk to students—or others.

19. KWINANA-BALGA POWER LINE

Route: Armadale-Kelmscott District

Mr. RUSHTON, to the Minister for Electricity:

Adverting to my question without notice on 20th April asking him to review the route for the State Electricity Commission 330 kV transmission line through Kelmscott and Armadale—

(1) What is his decision?

(2) If a decision has not been made, when will the route be finalised?

(3) Has the S.E.C. entry into people's blocks along the recently indicated route ceased?

Mr. MAY replied:

(1) The route is being reviewed.

(2) Resurvey will commence in seven days time. Finality will depend on the survey and negotiations with the shires.

(3) Temporarily. See (2).

20. KWINANA INDUSTRIAL COMPLEX

Beach Properties: Acquisition

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

(1) How many private properties at Kwinana beach have been purchased by the department since 1st July, 1971?

(2) What are the Government's plans and timetable for the purchase of approximately 200 private properties at Kwinana beach?

(3) How many of these owners at present have a request with the department for sale of their properties?

Mr. GRAHAM replied:

(1) Since 1st July, 1971, 11 properties at Kwinana Beach have been purchased by the department. Details of these, as required under the provisions of the Industrial Development (Resumption of Land) Act, were set out in reports 93 and 94 tabled in both Houses on the 10th December, 1971, and 30th March, 1972, respectively.

Also, since 1st July, 1971, 12 vacant lots at Kwinana Beach have been purchased by the Industrial Lands Development Authority.

(2) Progressive acquisition of all the Kwinana Beach properties is proposed by negotiated purchase as funds become available. A number of owners have indicated that they are content to remain in occupation of their homes, and it is known that there are others

similarly disposed. The properties owned by these people will be purchased only when required, which could be 10 or more years in the future.

(3) Forty-five.

21. WITHERS HOUSING DEVELOPMENT

Option to Purchase

Mr. WILLIAMS, to the Minister for Housing:

(1) Is the State Housing Commission yet able to offer tenants of the Withers Park, Bunbury, area the opportunity of purchasing their homes?

(2) If not, what is precluding the commission from making this offer?

(3) What is being done to overcome the position?

(4) When is it likely that tenants will be given the opportunity to purchase?

Mr. BICKERTON replied:

(1) to (4) As the Land Titles Office has today issued individual site titles for the first stage of the development, the commission is now ready to receive and finalise applications to purchase single detached houses in South Withers and now occupied on a tenancy basis.

22. TRADING HOURS

Government Action

Mr. WILLIAMS, to the Minister for Labour:

(1) Does the Government intend to take any action regarding trading hours legislation and/or regulations?

(2) If so,

(a) what action is to be taken;

(b) how will it affect trading hours;

(c) what sections of industry and/or commerce will be affected;

(d) when will action be taken?

Mr. TAYLOR replied:

(1) and (2) Apart from broadening the range of goods appropriate to "exempt" shops no action is contemplated at this point of time to alter trading hours.

23. ROAD MAINTENANCE TAX

Bankruptcies: Petitions

Mr. R. L. YOUNG, to the Premier:

Of the 54 persons claimed by him to have "gone bankrupt" as a result of non-payment of road maintenance tax from September 1969 to February 1971, will he say how many come under the administration of the Bankruptcy Act as a result of—

(a) a petition by the Crown;

(b) a petition by other creditors;

(c) their own petition?

Mr. J. T. TONKIN replied:

(a), (b) and (c) Details are not known in relation to 30 residents in the Eastern States. In one of the 24 Western Australian cases, proceedings have gone as far as the holding of a meeting of creditors. In the remaining 23 cases petitions have been submitted in each case by the debtor himself.

24. ROAD MAINTENANCE TAX

Bankruptcies: Debtors' Liabilities

Mr. R. L. YOUNG, to the Premier:

Of the 54 persons claimed by him to have gone bankrupt as a result of non-payment of road maintenance tax from September 1969 to February 1971, will he say what proportion of the debtors' total liabilities was represented by road maintenance tax?

Mr. J. T. TONKIN replied:

Particulars relating to 30 persons resident in the Eastern States are not available. Regarding 24 persons resident in Western Australia, Road Maintenance charges represent 10.4% of the total indebtedness.

25. ROAD MAINTENANCE TAX

Bankruptcies: Calculation of Number

Mr. R. L. YOUNG, to the Premier:

(1) In view of his statement to the House on 27th April, 1972 in which he claimed the correct number of persons charged in default for road maintenance tax from September 1969 to February 1971 was 256, can he say how the figure was originally calculated at 1603 and communicated as such to the House?

(2) In view of his statement to the House on 27th April, 1972 in which he claimed the correct number of persons who had gone bankrupt as a result of road maintenance tax debts from September, 1969 to February, 1971 was 54, can he say how the figure was originally calculated at 462 and communicated as such to the House?

(3) Were the 54 such persons "bankrupt" within the meaning of the Bankruptcy Act?

Mr. J. T. TONKIN replied:

(1) The total of 1,603 related to separate charges but the way in which the figures were presented led to reasonable assumption that the figures referred to individual defendants.

(2) See answer to (1).

(3) Of the 54 persons concerned, 30 are resident in the Eastern States and details are not available. Of the 24 persons resident in Western Australia, a meeting of creditors has been held in one instance. In all other cases sequestration orders have been issued.

26. ARMADALE-KELMSCOTT DISTRICT MEMORIAL HOSPITAL

Swimming Pool

Mr. RUSHTON, to the Minister for Health:

(1) In view of the departmental approval for the building of the swimming pool for the use of the Royal Perth Hospital staff and refusal to allow the Armadale-Kelmscott District Memorial Hospital staff a similar facility, will he list the dissimilarities which allow one to be approved and the other to be refused?

(2) As an aid to the hard working honorary hospital auxiliary, will he advise me the items for which he wants further evidence?

(3) Does he approve in principle the building of the swimming pool on the grounds of the Armadale-Kelmscott District Memorial Hospital?

Mr. H. D. EVANS (for Mr. Davies) replied:

(1) Royal Perth Hospital pool is situated alongside the major staff accommodation, Jewell House, and is available to members of the Royal Perth Hospital Social Club only. It is not alongside the hospital itself. It serves a potential 3,000 staff members and includes adequate toilet and change facilities.

The pool suggested for the Armadale Hospital was to be located adjacent to the hospital, where it could have been a nuisance. It was proposed that each staff member could bring a guest and that toilet and change facilities provided for staff on duty would be used by those patronising the swimming pool. There are seven living-in staff at Armadale Hospital and a potential 60 staff members who would be able to use the pool.

(2) and (3) I refer the member to papers already tabled on this matter and the objections contained therein. If these can be satisfactorily overcome, I would be happy to reconsider. I might take this opportunity to correct a recent Press statement which stated that, in reply to questions from the member, I had said that the Hospital Ladies' Auxiliary raised the total sum of $3,200 for staff use. This is not so. The question by the member related to money provided by the auxiliary and staff and my answer covered both. In fact, the auxiliary, as the result of a fete, raised slightly over $1,000 and the balance was raised by the staff.

27. MINING

Offshore Resources

Mr. RUSHTON, to the Premier:

Referring to my question 4 of 26th April seeking the Government's attitude to the control of offshore mining resources, does his answer mean he supports Commonwealth control or does his answer mean he supports State control of offshore mining resources?

Mr. J. T. TONKIN replied:

The answer referred to clearly stated Labor Party policy to which the Government may confidently be expected to conform. The member is quite at liberty to put his own interpretation upon this policy but it does not necessarily follow it will be correct.

28. BEAMAN STREET SCHOOL

Pumping Equipment

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

(1) Did the parents and citizens' association of the Beaman Street school, Dianella, request the Public Works Department to inspect or repair their turbine pump and bore installation?

(2) Were bricks and mortar built under or around the pump and cubicle foundation?

(3) What was the price tendered by the successful tenderer?

(4) What was the price paid to the successful tenderer for completed bore and pump installation?

(5) Was a variation order made and/or any adjustments made to the tendered price while the contract was being performed?

(6) If a variation order was made, to what did it refer and upon what authority and on what date was it made?

(7) Was the shape, measured depth, length and width of the concrete foundation in accordance with the scale drawings for "Turbine Bore Pump" No. 5/1 of 28th May, 1967, and amendments dated; 12th September, 1967, 21st January, 1968, 27th March, 1968 and 21st March, 1969?

(8) (a) Was the construction and depth of the foundation in accordance with—

(i) clause 25B of 1965 specification;

(ii) clause 25B of 1966 specification;

(iii) clauses 19 and 26.5 of 1967 (August) specification;

(iv) clauses 19 and 26.5 of 1967 (October) specification;

(v) clauses 19 and 27.4 of 1968 (May) specification; and

(vi) addendum 27.4.1.

and in accordance with clauses 2 and 6 "General conditions of Contract";

(b) if not, in respect of what clauses was the installation found to be at variance?

(9) If additional bricks and mortar were added to the foundation who carried out the work?

(10) What department authorised the additional work?

(11) Was a "work order" made for additional bricks and mortar and upon what date was it made and who paid for the additional work?

(12) Was a "certificate of practical completion" issued authorising first payment on original contract?

(13) Is the submersible pump foundation of Balga High School (Contract No. 17256, file No. 726/69, Job No. 6317/1) eighteen inches deep as shown in figured dimensions of drawing 15/2 specified in 27.4.1 and clause 27.4 as directed by clauses 2 and 6 of "General Conditions of Contract"?

(14) Was page 1 of "General Conditions of Contract" completed and signed by contract parties for Dianella and Balga installations?

(15) What was the measured depth in inches of the foundation under the pump installation at Dianella school?

(16) What was the measured depth in inches of the foundation under the pump head at Balga High School?

(17) What is the depth (in inches) of foundations specified in contract specification and documents relating to installation at Beaman Street school, Dianella, and Balga High School?

(18) If answers to (7) and (12) are "No" what action has been taken to ensure that Public Works Department engineers police full enforcement of future specifications?

(19) If answers to (2), (8) and (11) are "Yes" what action has been taken to ensure that future contracts will be carried out without error?

Mr. JAMIESON replied:

(1) Yes.

(2) Yes.

(3) $3,332.50 accepted in September, 1968.

(4) $3,368.00.

(5) Yes.

(6) Variation authorised by engineer in September, 1968, covering an extra 11 ft. of drilling, an extra 15 ft. of bore casing and a reduction of six hours in test pumping, resulting in $36.00 extra to contract.

(7) Generally yes.

(8) (a) Generally in accordance with May 1968 specification.

(b) Nil.

(9) Public Works Department.

(10) Public Works Department.

(11) Yes, in June 1971 and paid by the Public Works Department.

(12) "Payment Voucher" used in lieu; first payment issued October 21, 1968.

(13) Equivalent mass adopted, using 10 in. average depth concrete slab, in lieu of 6 in. minimum concrete slab with 12 in. deep skirt to form hollow block.

(14) These two contracts were handled under different procedures and signed as required.

(15) Average 6 in. - 7 in. concrete slab.

(16) Average 8 in. concrete slab.

(17) Dianella and Balga specified with 6 in. minimum depth concrete slab, plus concrete skirt, and concrete block around casing clamp as per standard drawing 15/2.

(18) Not applicable.

(19) All works are supervised by officers of the Public Works Department in accordance with the intent of the specification.

QUESTIONS (5): WITHOUT NOTICE

1. CLOSE OF SESSION: FIRST PART

Target Date

Sir DAVID BRAND, to the Premier:

(1) In view of the confusion and misunderstanding regarding the

finishing date of the current part of this session, is the Premier in a position to inform the House of his plans, and of the date on which he aims to finish?

(2) Does he expect to push through all the legislation now listed on the notice paper during this part of the session?

Mr. J. T. TONKIN replied:

(1) and (2) In reply to the Leader of the Opposition, firstly, I do not intend to push any legislation through—

Sir David Brand: I am very pleased to hear that. That is very good. It depends on what is meant by "pushing."

Mr. J. T. TONKIN: —by endeavouring to force members to do an unreasonable amount of work in connection with legislation. It is proposed to adjourn the House on the 11th May, which will be on Thursday week, for a fortnight and to resume again on the 30th May.

Sir David Brand: To adjourn both Houses?

Mr. J. T. TONKIN: No, this House. I do not intend to keep members here for such a period as would bring us close to the commencement of the next part of this session of Parliament, which ordinarily will open in July. So, if it means that there are still on the notice paper a number of Bills to be dealt with, they will remain on the notice paper to be dealt with when we resume after the first part of the session; that is, they will be dealt with in the part commencing in July.

As there is important business to be done in the interests of the State we will go ahead at a reasonable pace and accomplish as much as we can in the time. Some of the Bills are here at the request of companies which have asked that if at all possible they be passed in this part of the session. In an endeavour to accommodate those companies and facilitate their business, the Government has agreed—although it has a full programme—to attempt to help the companies in this respect. If that becomes impossible then, of course, we will not pursue the matter.

I repeat that there is no intention of sitting long hours or pushing legislation through in any way. We will deal with the matters that come before us in a normal way on a proper, leisurely basis; and we will meet such circumstances as exist when the time comes for us to consider the closing of the session.

2. LEGAL CONTRIBUTION TRUST FUND

Receipts, Indemnity, and Claims

Mr. MENSAROS, to the Attorney-General:

(1) What were the amounts received by the Trust Interest Account set up under the provisions of the Legal Contribution Trust Act?

(2) Is there an indemnity policy on foot; and if "Yes," to what amount and with which company, and what is the yearly premium for it?

(3) Have there been any claims against such policy or are there likely to be claims in the future based on present claims received by the trust against the guarantee fund, and what is the amount or estimated maximum amount of such claims?

Mr. T. D. EVANS replied:

I thank the member for Floreat for giving me notice of this question. However, I notice that the wording in the copy of the question which has been handed to me differs from the wording just used by the honourable member. I hope the answer will satisfy him. It is as follows:—

(1) The interest received—including interest on guarantee fund investments—during the year ended 31/12/1970 was $103,821.95, and during the year ended 31/12/71 it was $129,357.10.

(2) The fund is insured with the State Government Insurance Office for $100,000, the present premium being $18,900.

(3) The State Government Insurance Office has been informed of the trust's intention to claim. Claims amounting to $263,076.27 are still under consideration.

3. POLICE TRAINING SCHOOLS

Cancellation of Course

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

(1) What are the dates on which police recruit schools have been held in the past three years?

(2) How many police trainees took part in each school?

(3) What were the number of policemen and policewomen in the W.A. Police Force on the 1st May, 1970, 1971, and 1972?

(4) What recent circumstances could have created the present persistent comments that—

(a) a recently planned for police recruit school was cancelled for the want of funds,

(b) many applicants to attend the school had resigned from their previous employment and then been told the school was not proceeding?

Mr. BICKERTON replied:

On behalf of the Minister for Police I thank the honourable member for giving some notice of this question. In passing I cannot see that it is really a question without notice. The reply is as follows:—

(1) and (2)

	No. in School
1969	
March 17	41
May 5	26
June 6	33
September 15	44
1970	
January 26	58
May 4	51
August 10	60
1971	
January 4	50
April 4	51
July 19	55
1972	
January 1	62

(3)

	Policemen	Policewomen	Total
May 1, 1970	1472	27	1499
May 1, 1971	1596	34	1630
May 1, 1972	1658	37	1695

(4) (a) A police school was not cancelled.

(b) The general pattern is for a new school to follow the previous school up to the stage that recruitment has brought the force up to authorised strength. When the last school graduated on the 7th April, 1972, the numbers in the force exceeded authorised strength. No further applicants have been called before the selection board. Comment on action taken by applicants would arise only from speculation.

4. CLOSING DAYS OF SESSION: FIRST PART

Sittings of the House

Mr. NALDER, to the Premier:

Arising from the question without notice asked by the Leader of the Opposition, would the Premier inform the House as to the length of time he intends to proceed after the fortnight's adjournment? Will it be for one week or two weeks after the House resumes on about the 30th May?

Mr. J. T. TONKIN replied:

As far as I can judge at this stage, two weeks should be the length of time the House will sit after we resume.

5. ROAD MAINTENANCE TAX

Transport Licenses North of the 26th Parallel

Mr. O'CONNOR, to the Premier:

(1) Are his comments regarding road maintenance tax in this morning's issue of *The West Australian* based on the article or a similar one, referred to by the West Australian Road Transport Association, which reads that a licensing system is desirable for north-west operators to operate from Perth to all points north of the 26th parallel by the issue of a north-west license and identification plate, renewable annually, to any company or individual, subject to the lodgment of a bond in the form of a bank guarantee to the value of $2,000 per vehicle to the Transport Commission which would have the legal right to deduct overdue transport fees and road maintenance tax?

(2) What effect does he feel his action will have on the small haulier?

Mr. J. T. TONKIN replied:

I thank the member for Mt. Lawley for giving me quite adequate notice of this question to enable me to give a considered answer. It is as follows:—

(1) No.

(2) An overall beneficial effect.

IRON ORE (MOUNT BRUCE) AGREEMENT BILL

Second Reading

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [5.09 p.m.]: I move—

That the Bill be now read a second time.

I think I indicated the other day that all of what is involved in the Bill before us, and the Bills appearing as Orders of the Day Nos. 4 and 6 on today's notice paper, deal with the same matter, for which reason it is my intention to address myself, with your indulgence, Mr. Speaker, to the entire subject in speaking to this Bill. After that I will formally move the second reading of the other two Bills mentioned.

I hope and trust that not only with a view to expediting matters but also because there is only one principle involved you, Mr. Speaker, will be tolerant to the extent of allowing the debate to ensue on the one Bill, if that be the wish of other members of the House.

The three agreements presented to the House in essence are a step towards implementing the form in which the development of the Wittenoom-Mount Bruce areas was foreshadowed by the 1968 Iron Ore (Hanwright) Agreement Act.

Under the Iron Ore (Hanwright) Agreement Act Amendment Act, 1968, Mount Bruce Mining Pty. Limited—substantially a Hamersley company—had the right to give notice to the State and to the joint venturers—Hancock Prospecting Pty. Ltd. and Wright Prospecting Pty. Ltd.—that it would carry out the obligations of the joint venturers in respect of their commitments under the 1967 Hanwright agreement.

The original arrangement under the 1968 Hanwright agreement amendment envisaged Hanwright having a 25 per cent. interest in Mount Bruce Mining Pty. Limited with Hanwright surrendering the temporary reserves it held under the agreement so that Mount Bruce could ultimately obtain a mineral lease of not more than 300 square miles from those reserves.

However, since the date of the 1968 agreement the companies concerned changed their ideas and decided to go their own separate ways.

Mount Bruce Mining Pty. Limited will now be able to obtain a mineral lease—which it must apply for by the 30th June, 1974—of 300 square miles, while Hancock Prospecting Pty. Ltd. and Wright Prospecting Pty. Ltd. will ultimately be able to obtain their mineral lease of 100 square miles.

To obtain these leases there had to be a reallocation of temporary reserves mutually agreed between the parties whilst the joint venturers sought and had approved certain unallocated areas within National Park Reserve No. 30082. It should be noted that these areas were not granted before they had been carefully examined.

As points of interest let me stress that—

certain areas—four in number—were not granted because their scenic beauty outweighed, in our view, other considerations; and

the net result was that by reduction in the area of certain temporary reserves already held by Hancock and Wright and within the national park, an additional 87 square miles can now be added to that park.

This area is approximately 56,000 acres additional to that national park.

Summed up, under the proposed new arrangements it was evident that the most expedient and clear way to achieve the objectives was to repeal the 1967 and 1968 Hanwright agreement Acts and introduce new legislation.

This is what is proposed in the Bills now before the House. Because the old agreement Acts, to which I have referred, are to be repealed the opportunity was taken in the writing of new agreements to enter into negotiations with the companies in respect of certain clauses that have been fairly standard in previous iron ore agreements. It should be noted that the companies concerned were most co-operative with the State in the reframing of these clauses.

In particular I have in mind clauses in connection with electricity, water supply, townsites, arbitration, and the definition of "f.o.b. revenue" to name the most prominent of these clauses.

At the same time new clauses in respect of environmental protection were written into the agreements, and with the new Wittenoom agreement a particular clause is included which requires the joint venturers to so conduct their operations as to meet the State's requirements in preserving and protecting the national park.

For the benefit of members I will briefly restate the main obligations under the 1967 Hanwright agreement as amended by the 1968 Hanwright agreement amendment. These agreements provided that the joint venturers—Hancock and Wright—had by 1974 to construct a plant capable of producing 1,000,000 tons of pellets and by 1979 for this plant to be increased in capacity to 3,000,000 tons of pellets per annum.

In addition, by 1983 the joint venturers had to submit proposals for metallised agglomerates or a steel plant on the following basis: The metallised agglomerates plant capacity was to reach 3,000,000 tons per annum on the basis of 1,000,000 tons per annum by 1989 and 2,000,000 tons per annum by 1993, with a progressive increase in production so that by 1996 the target of 3,000,000 tons per annum would be reached.

If, on the other hand, the joint venturers made proposals in respect of steel the plant capacity had to be 1,000,000 tons per annum on the following basis: By 1989, 500,000 tons with a progressive increase so that by 1994 annual production would be 1,000,000 tons per annum.

Under the 1968 Hanwright agreement Mount Bruce Mining Pty. Limited could give notice to the State and the joint venturers by the 31st December, 1970, to the effect that that company would take the place of Hanwright under the 1967-68 Hanwright agreements.

On giving this notice Mount Bruce would, as well as carrying out the primary obligations, be required to meet the pellet plant obligation of Hanwright or, alternatively, meet an obligation for 500,000 tons per annum of pellets and 1,000,000 tons of metallised agglomerates per annum. In other words, the 1,000,000 tons of metallised agglomerates took the place of 2,500,000 tons of pellets.

The agreement also provided that in 1976 Mount Bruce had to notify the Minister and submit proposals before the end of 1976 for producing 3,000,000 tons of metallised agglomerates by 1982 or 1,000,000 tons of steel by 1997, with the proviso that 500,000 tons of steel per annum would have to be produced by 1992.

However, although the company had the right to notify the Minister that it intended to produce metallised agglomerates or steel, the Minister could notify the company that the State required an integrated iron and steel industry to be established on the following basis:—

by 1992, 500,000 tons of pig iron, foundry iron, or steel of which not less than 250,000 tons had to be steel; and

production to be progressively increased so that by 1997 it reached not less than 1,000,000 tons of product of which not less than 500,000 tons would be steel and by 1999 productive capacity would be at an annual rate of not less than 1,000,000 tons of steel.

The other main provisions in the agreements related to—

the appointment of a tribunal, if necessary, to decide whether the metallising operation was feasible; and

the acceleration of the company's steel obligations by six years if the State was able to supply power to meet the company's requirements, at 6c per kilowatt hour from the 1st January, 1986.

To save later explanation the provisions regarding the tribunal and the supply of power by the State are repeated in the 1972 Mount Bruce agreement.

Under the new Mount Bruce agreement the company must submit proposals by the 30th June, 1976, for the establishment of a plant for the production of iron ore concentrates.

The term "iron ore concentrates" means products whether in pellet or other form resulting from secondary processing, but does not include metallised agglomerates.

The company is obliged to commence production and export at an average annual rate of not less than 1,000,000 tons during the first two years following commencement of exports.

By the 30th June, 1981, capacity of the plant is required to be increased to 3,000,000 tons per annum, but the company is given the opportunity to notify the Minister that it desires to reduce or limit the capacity of the plant to 500,000 tons on the condition that by 1978 it must submit detailed proposals to the Minister for the establishment of a plant for the production of metallised agglomerates.

This plant by 1980 must have a capacity of 1,000,000 tons per annum. I might add that this is additional to other proposals in respect of metallised agglomerates to which I will refer later.

It will thus be seen that the company's obligations are the same as if it had given notice under the 1968 Hanwright agreement, but the target date for reaching ultimate capacity has been extended by two years.

The agreement does provide, however, that Mount Bruce may be assisted or relieved of its obligations to produce pellets if the Hamersley plant at Dampier increases its production beyond 2,000,000 tons per annum. To explain: If, for instance, Mount Bruce elects to produce 500,000 tons of pellets and 1,000,000 tons of metallised agglomerates, it would have no obligation to produce the 500,000 tons of pellets if the Hamersley plant at Dampier increased its production from 2,000,000 tons per annum to 2,500,000 tons per annum.

Similarly, if Mount Bruce elects to produce 3,000,000 tons of pellets and no metallised agglomerates, and the Hamersley plant at Dampier increased its production beyond 2,000,000 tons per annum, Mount Bruce would have to produce only the balance between the Hamersley production and 5,000,000 tons. In other words, the State is requiring a total production of either 2,500,000 tons or 5,000,000 tons of pellets—depending on how Mount Bruce elects—and these tonnages may be met by a combination of the production of Hamersley's Dampier plant and a new Mount Bruce plant or by the Dampier plant alone.

With regard to Mount Bruce's other obligation, had it given notice—that is, 3,000,000 tons of metallised agglomerates by 1982 or 1,000,000 tons of steel by 1997 unless, as I have explained, the Minister decided he wanted an integrated iron and steel industry of 1,000,000 tons per annum by 1997—the new 1972 Mount Bruce agreement provides that the same obligations will be met, but the time for submission of proposals and the target dates by which the respective plants must reach the agreed capacity, have been advanced by two years.

The main purpose of the Mount Bruce project is to carry out the obligations under the 1968 Hanwright agreement had

Mount Bruce given notice by the 31st December, 1970, under that agreement. This purpose has been achieved.

However, because Hancock and Wright will be undertaking the export of unprocessed ore under the Wittenoom agreement, Mount Bruce will not be obligated to submit proposals for this primary part of the project whilst—

(i) Hamersley, an associated company or associated companies of Hamersley, retain a 51 per cent. interest in Mount Bruce; and

(ii) Mount Bruce, Hamersley, an associated company or associated companies of Hamersley, hold rights of occupancy to the mining areas or the mineral lease.

However, should Hamersley or its associates cease to hold a 51 per cent. interest in Mount Bruce Mining Pty. Limited, or should Mount Bruce, Hamersley, or its associates cease to hold rights of occupancy over the mineral lease, then Mount Bruce must submit proposals within three years of the event. On the other hand, the company must submit detailed proposals to the Minister, if it desires to mine, transport, and ship iron ore prior to the occurrence of either of the events to which I have just referred.

If, as I have already said, either of the events does occur, the company must submit detailed proposals within three years and these must cover the usual items including—

a railway from the mining areas to the port or to connect with Hamersley's existing railway;
townsite and port development;
housing, water supply, power, roads;
mining, crushing, screening, handling, transport, and storage of ore;
airfields;
leases;
disposal of waste material;
drainage;
dust control; and
if the company proposes to use Hamersley's port at Dampier or some other port, provision for the port and port development including dredging so that the company's wharf can handle vessels having an ore carrying capacity of at least 60,000 tons.

Of particular interest is the situation under the agreement if the company proposes initially to establish another port rather than use Hamersley's port at Dampier, as this could well be the first step towards the establishment of a joint-user major port at Legendre.

Under the agreement the company has the right to propose a new port site which the Minister may approve or, in the event that he does not, he may by notice submit alternative proposals to the company for another site.

If the Minister's alternative proposal is not, within two months, accepted by the company, the State will allow the company, as provided in the agreement, to develop and use a port at Legendre.

If this situation arises the company may within the period prescribed by the agreement, submit proposals for the development and use of Legendre and these proposals may, if the Minister so requires or the company so desires, include terms and conditions involving the participation in such development and use by another party or parties.

Within two months of the Minister receiving the proposals he is required to notify the company whether or not its proposals are approved and he can specify in his notice, alterations to the proposals as are fair and reasonable having regard for the interests of the company and any other party. Included in these alterations can be the proposed participation in such development and use by another party or parties nominated by the Minister. The company does, however, have protection against any alterations specified by the Minister if it considers them to be unfair and unreasonable, inasmuch as it is specifically given recourse to arbitration on this subject.

If the dispute is decided by arbitration in the Minister's favour, the company may, by notice to the State, withdraw its proposals if it can demonstrate to the reasonable satisfaction of the Minister that the alterations would render the company's participation in the development and use of a port at Legendre not feasible for any reason whatsoever—whether technical, economic, or otherwise.

However, in order to do the utmost to settle any such dispute the parties will continue to negotiate with a view to agreeing upon a site at Legendre or elsewhere and on fair and reasonable terms and conditions for the development and use of the port. Either party has the right after three months to terminate negotiations if agreement has not been reached.

Notwithstanding what I have just outlined in respect of a port at Legendre or elsewhere, the company may prior to agreement being reached on—

a port site other than at Legendre;
approval of Legendre; or
alterations specified by the Minister in respect of Legendre or their reference or nonreference to arbitration.

elect by notice to the State, to use the port established by Hamersley at Dampier.

I desire to make it quite clear that any reference to arbitration which I have mentioned does not include any disagreement on the port location or the location of the port townsite. These matters are specifically excluded under subclause (6) of clause 5 of the agreement. In other words, the State retains its power to determine location of ports.

There are some other interesting features of the Mount Bruce agreement which I shall briefly describe.

If the company desires at any time to expand its projects it must notify the Minister who may require the submission of proposals in respect of port facilities, railway, townsite, housing, water supply, etc.

In these events the extent to which the company will be required to provide or contribute towards the capital cost of services and facilities and their maintenance will be determined by the Minister.

It is important to note, however, that in making his determination the Minister must have regard, *inter alia*, for the current and anticipated composition of the town and the extent to which the ordinary responsibilities of the State with respect to the provision of the capital cost of such services and facilities are to be assumed by it, in the light of the State's then current capital resources.

I think it will be appreciated that companies have for some years now been meeting obligations which could normally be regarded as the responsibilities of the State. This situation, of course, cannot be endured forever.

Let me interpolate to say it has been estimated broadly by companies seeking to establish in the Pilbara area that two-thirds of the cost of establishment is involved in infrastructure, ranging from the provision of housing and all facilities necessary for a community, to a railway, port facilities, and the rest. These obligations have been undertaken—I trust cheerfully—by the companies. In any event it was necessary because it was completely beyond the resources of the State to meet the costs of providing those facilities. Accordingly, the costs had to be met by the companies; otherwise it would have been impossible for such companies to commence their operations. I fancy I have said on previous occasions that to some extent the tremendous costs involved in infrastructure developments can be regarded as a royalty paid in advance.

The purpose of the clause to which I have just referred is simply that when the time for company expansion comes to pass, the State will review its financial resources at that time and ascertain whether it can assume some of the responsibilities that it would normally accept.

Here again, let me say that this has applied to other industrial activities. I call to mind sawmilling companies in the south-west which, in the main, have long provided their own townsites, water supplies, power supplies, and other facilities for their employees who have been set up in communities in comparatively isolated places. This certainly has not been to the same extent financially as the procedure in respect of iron ore companies in the northern portion of our State. I mention this in passing to indicate it is nothing new but, generally speaking, it is the duty and responsibility of the State to provide public services which, of course, is the current position applying in the metropolitan area and in most of our country centres. One would anticipate that one day even in the far north the State will be assuming full responsibilities as has been the case in practically all instances to the four points of the compass in Western Australia over the past years.

The earlier agreements of 1964 covering development of iron ore reserves in the Pilbara authorised the companies, in accordance with approved proposals, to bore for water, construct catchment areas, store water—by dams or otherwise—and take and charge for any water from Crown lands available for the purpose. In addition, according to the Minister's determination, they could have the powers of a water board under the Water Boards Act of 1904.

It has become increasingly evident in latter years that water is one of the most critical resources in any development plan for the more arid regions of the State. The State has seen the need to exercise more positive control over potential water resources to ensure they are harnessed to the best advantage of all parties concerned.

The Mount Bruce agreement recognises the need for further investigation of regional water resources and the development, as necessary, of a State-controlled water supply scheme at *pro rata* cost to the company equivalent to its water requirements.

The time has passed when we can authorise a company to search for and develop at its cost a completely independent water supply scheme for port-town and port-industry purposes.

However, in the case of the mine town we still accept that if the location is remote from other centres of development, the company may be authorised to investigate and develop, under State approval, a source of water for the mine town and mine industry.

The granting of such authority to the company is subject to the State taking over the water supply facilities and including them in a regional scheme if it is warranted at some time in the future.

As in the case with water, companies could, under the earlier agreements, be given the powers of a supply authority under the Electricity Act, 1945, if the Minister so determined. Under the Mount Bruce agreement this authority is not available.

However, the company is required to construct, in accordance with its approved proposals, without cost or expense to the State, facilities for the generation and transmission of electricity that it needs to carry out its obligations.

It is of importance, though, to note the electrical generation plant, equipment, and transmission system must be so designed as to facilitate its ultimate connection with facilities owned by the State Electricity Commission or other third parties.

In order to give the State control of power supplies, it may at any time give the company 12 months' notice of its intention to acquire the company's electrical generation plant, equipment, and transmission system or any of them up to an agreed appropriate point within the system and at a price to be agreed between the parties.

Should the State undertake this acquisition, the company has first priority for its purposes on the power generated, and the State guarantees—subject to *force majeure*—to supply the company with power for all its purposes up to the normal continuous full-load capacity of the plant and equipment.

Should the State take over the company's facilities, the company will pay to the State Electricity Commission the cost of all electricity supplied by the commission at a rate equal to the standard tariff applying from time to time to the commission's system, less any difference between that standard tariff at the time of the State's acquisition and the company's costs of operating those facilities at that time.

The commission's rate for electricity, calculated as I have just explained, will apply to an amount of electricity equal to the continuous full-load capacity of the facilities so acquired, but the company shall pay for all electricity supplied to it by the commission in excess of such amount at the commission's standard tariff applicable from time to time.

Again as somewhat of a departure from the previous iron ore agreements, the Mount Bruce agreement provides for the company to collaborate with the State in the planning, location, and development of the townsite in the mine area.

To achieve this purpose the company is required to engage an experienced town planner to prepare a town plan, not only for the initial operations, but for the long-term development of the town. This plan is to be submitted by the company to the State as part of its detailed proposals.

The company is also required to provide and maintain at the townsite and make available at reasonable prices, rentals or charges, housing accommodation, services, and works including sewerage, reticulation, and treatment works, water supply works, main drainage works, and civic facilities.

In addition it is to provide, without charge, public roads and buildings and other works and equipment required for educational, hospital, medical, police, recreation, fire, or other services to the extent to which these facilities are necessary to provide not only for the needs of persons engaged directly by the company, but where they are engaged in an outside capacity in connection with the company's operations.

The buildings to which I have referred are to be equipped by the company to a standard normally adopted by the State in similar types of buildings in comparable townsites.

The agreement also requires the company to provide, at its cost, adequate housing accommodation for married and single staff directly connected with educational, hospital, medical, and police services.

The extent of the obligations of the company in respect of the matters I have mentioned is to be determined by the proportion which the company's contribution to the cost of the facilities and services referred to, bears to the total cost of such facilities and services.

It will be appreciated that the occasion may arise where the company, in view of its operations, may need its work force to be assimilated into a suitable existing coastal town. In this event the company will be required to pay to the State or other appropriate authority the capital cost of establishing and providing additional services and facilities and associated equipment, including sewerage and water supply schemes, main drains, education, police, and hospital services, to the extent to which these additional works and services are made necessary in that town as a result of the company's operations. The actual amount to be paid by the company is to be determined by negotiations with the State.

Again, these additional services, works, and associated equipment will be of a standard normally adopted by the State in providing these facilities and equipment, in similar cases in comparable towns.

The Wittenoom agreement is vastly different from the Mount Bruce agreement inasmuch as it requires the joint venturers, Hancock Prospecting Pty. Ltd. and Wright Prospecting Pty. Ltd., simply to submit proposals for the mining and export of unprocessed iron ore.

The joint venturers are required, as soon as possible after the execution of the agreement, to submit proposals for the

location and outline of the proposed development of a port and the Minister is required to notify them within one month after their submission whether or not he approves of their proposal.

He may, in his reply, submit an alternative and in dealing with their proposals for the location and development of the port, he is required to take into consideration the possible future requirements of others who may or could be concerned in the area and the joint venturers are not given priority by reason of the fact that their proposals may be the first in time.

Subject to agreement being reached as to the location and development of the port, the joint venturers must by the 30th June, 1973, submit detailed proposals as to their mining operations, transport, and shipment of iron ore. As usual these detailed proposals are to include the port and port development including dredging, and must provide for the joint venturers' wharf being capable of accommodating vessels having an ore-carrying capacity of not less than 60,000 tons.

As also is normal, these proposals must cover any proposed railway between the mining areas and the joint venturers' wharf, the deposit's townsite and port townsite development, housing, water supply, power, roads, mining, airfields, leases, disposal of waste materials, drainage, dust control and any other works, services or facilities proposed or desired by the joint venturers.

There is also a provision in the agreement which allows the joint venturers, with the consent of the Minister and the consent of Hamersley Iron Pty. Limited, to use the Hamersley railway between Tom Price and Dampier as well as such other Hamersley facilities at Dampier as Hamersley agrees so that the joint venturers may, upon reasonable terms and conditions determined by Hamersley, export 6,000,000 tons of iron ore during a four-year period commencing not earlier than the 1st July, 1972, and not later than the 31st December, 1972. This arrangement may be varied by agreement between the joint venturers and Hamersley and indeed will need to be varied if the joint venturers are to use the Hamersley facilities.

Hancock and Wright are also required to submit satisfactory evidence of the making or likelihood of making a suitable contract or contracts for the sale by them of not less than 20,000,000 tons of iron ore over a 10-year period.

The annual requirement is not less than 2,000,000 tons in the aggregate in the first two years following the original export date, and not less than 2,250,000 tons per annum in each and every one of the succeeding years.

Proof is required of the availability of finance necessary to fulfil the joint venturers' proposals and of any necessary license from the Commonwealth to export ore.

There is, however, a proviso in the agreement that if the joint venturers secure a firm order for the supply of 45,000,000 tons of ore to Hamersley—or some substitute tonnage approved by the Minister—and also secure additional orders totalling not less than 20,000,000 tons from Hamersley and/or any other company established within the Commonwealth and approved by the Minister, they will not have to comply with the provisions in the agreement relating to the export of ore.

Proposals by the joint venturers are dealt with in the normal way under the agreement and contain the usual provisions relating to extension of time and recourse to arbitration.

As I mentioned in my opening remarks, the joint venturers are, under their agreement, entitled to secure a mineral lease not exceeding 100 square miles in total area. This area of mineral lease is a departure from that usually allowed under previous agreements—where 300 square miles have been allowed—but the reason for this is that the joint venturers do not have any secondary processing commitments.

Additionally, the mineral lease is for a total period of 63 years made up of an initial term of 21 years with the right to two successive renewals each of 21 years.

The agreement requires the joint venturers within a period of three years following the commencement date and at a total cost of not less than $50,000,000 to construct, install, provide, and do all things necessary to enable them to carry out their approved proposals.

Construction is to commence within the first three months following the commencement date and is to continue progressively so that the obligations of the joint venturers to complete the construction within the required time are met.

The many other clauses within the agreement are substantially in line with those written into previous iron ore agreements. There is one important provision to be noted, however, in respect of royalties, and this concerns the iron ore sold to Hamersley.

It will be seen from the agreement that none of this ore is deemed to be "locally used iron ore" and the royalty payable is at the rate of 7½ per cent. of an f.o.b. revenue to be agreed. The f.o.b. revenue to be established shall be, unless the joint venturers in some other way satisfy the Minister, not less than the average f.o.b. revenue used for royalty calculation in respect of all other exports of comparable ore from the Pilbara region at that time.

There is a proviso, however, that such royalty shall not be less than 60c per ton and a further proviso that the settlement of the amount of royalty shall not be referred to arbitration.

The agreement also makes it clear that Hamersley shall not be required to pay any further royalties in respect of iron ore sold to it by the joint venturers.

Although the agreement provides for the joint venturers to develop the port, construct their wharf, and carry out all necessary dredging of approach channels, swinging basin, and berth, and provide all necessary buoys, beacons, markers, navigational aids, etc., it is realised that it may be advantageous to the parties concerned for the State to provide all or any of those facilities. In such case the agreement provides for the parties to confer with other users and potential users as to the manner in which and the conditions under which the State should provide such works to the mutual advantage of all.

If it is decided that the State shall carry out the works referred to, the joint venturers will pay to the State a sum or sums to be agreed upon but not exceeding the amount that would have been payable had the joint venturers carried out the works themselves.

When dealing with the Mount Bruce agreement I referred to the manner in which the supply and development of water resources would be handled and also the generation and transmission of electricity. Much the same provisions as were in the Mount Bruce agreement are repeated in the Wittenoom agreement. The same applies in respect of townsites and towns.

Clause 18 of the agreement provides scope for the joint venturers to expand their activities beyond those specified in their original proposals or to undertake secondary processing or the production of steel. Should they desire to undertake any of these activities they are required to notify the Minister who may, consequent upon the outcome of the negotiations, require them to submit proposals.

As with the Mount Bruce agreement, the joint venturers will be required to provide or contribute towards the capital costs of services and facilities and the maintenance thereof in consequence of any proposed expansion or undertaking, but the extent to which they will be required to contribute shall be determined by the Minister following negotiations.

In making his determination, however, the Minister shall have regard *inter alia* for the current and anticipated composition of the town and the extent to which the ordinary responsibilities of the State with respect to the provision of the capital cost of such services and facilities, are to be assumed by it in the light of the State's then current capital resources.

Clause 29 of the agreement is identical with clause 30 of the Mount Bruce agreement in so far as nothing in the agreement shall be construed to exempt the joint venturers from compliance with any requirement in connection with the protection of the environment arising out of or incidental to their operations under the agreement that may be made pursuant to any Act from time to time in force by the State or by any State agency or instrumentality or any local or other authority or statutory body of the State.

Members may recall that these words were inserted in the agreement dealing with a certain alumina refinery.

Other clauses within the agreement are of a machinery nature or are substantially in line with those existing in other iron ore agreements and do not warrant any particular mention.

The third agreement to be considered by members is referred to as "The Hamersly Variation Agreement." This agreement, which is a very short document, amends the earlier agreements ratified by the Iron Ore (Hamersley Range) Agreement Act, 1963-1968.

The necessity for the variation agreement is that in the earlier Hamersley agreements there are references to the Hanwright agreement. As, however, the Hanwright agreement is determined by mutual consent contemporaneously with the coming into force of the Mount Bruce agreement and the Wittenoom agreement, certain consequential amendments are necessary and these have been made in the variation agreement.

By way of illustration, clause 5 of the variation agreement recognises the changed circumstances by which Mount Bruce Mining Pty. Limited will assume steel-making obligations and those of Hamersley will be suspended—namely, on the grant of the mineral lease by the State to Mount Bruce Mining Pty. Limited. The rights and obligations of that company and Hamersley in respect of steel making are not affected by the variation agreement.

Finally, I draw the attention of members to the fact that the Bill which embodies the agreement is for the purpose of ratifying an agreement which has already been signed by the Premier on behalf of the State. This again is in accordance with the intimation to Parliament last year that where there are variations to existing agreements the alterations will be signed by the Premier on behalf of the State. However, in the case of completely new agreements, legislation will be submitted seeking the authority of Parliament for the Premier to sign on behalf of the State.

Mr. O'Neil: Are you still sticking to that?

Mr. GRAHAM: Yes; that is an established policy.

Mr. O'Neil: I thought Pacminex would have caused you to change your mind.

Mr. GRAHAM: It is a thoroughly democratic process. I commend the Bill to members.

Debate adjourned for one week, on motion by Mr. O'Neil.

IRON ORE (WITTENOOM) AGREEMENT BILL

Second Reading

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [5.58 p.m.]: I move—

That the Bill be now read a second time.

As explained when introducing the Iron Ore (Mount Bruce) Agreement Bill, the measure we are now considering and the one to follow are complementary to the first-mentioned Bill. I commend the Bill to the House.

Debate adjourned for one week, on motion by Mr. O'Neil.

IRON ORE (HAMERSLEY RANGE) AGREEMENT ACT AMENDMENT BILL

Second Reading

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [5.59 p.m.]: I move—

That the Bill be now read a second time.

This is the second complementary Bill to the Iron Ore (Mount Bruce) Agreement Bill and I would ask members to refer to the remarks made during the second reading of that measure.

Debate adjourned for one week, on motion by Mr. O'Neil.

BILLS (2): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills:—

1. Iron Ore (Mount Bruce) Agreement Bill.
2. Iron Ore (Wittenoom) Agreement Bill.

LEGAL CONTRIBUTION TRUST ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th April.

MR. MENSAROS (Floreat) [6.01 p.m.]: This is a simple Bill to amend a fairly complicated arrangement of security measures contained in the parent Act, the Legal Contribution Trust Act, 1967. This Act aims at giving compensation to those members of the public who, as clients of legal practitioners, incur losses as a result of defalcation by legal practitioners. Under the parent Act a "Trust Interest Account" is set up, and this account draws its credit from interest paid by banks on those amounts which legal practitioners are compelled to deposit to the credit of the trust. These deposits are derived from a prescribed percentage of the lowest balance on any given day during the financial year of the trust accounts of a legal practitioner.

The prescribed figure at present is 50 per cent. According to the parent Act the Trust Interest Account aims at reaching a minimum of $100,000, or an amount which the Minister and the Law Society from time to time determine by agreement. The parent Act also provides that the required $100,000 at present can also be reached by way of indemnity insurance. It was quite interesting to note that when the Minister for Labour introduced his improved commercial promotion in the form of the introduction of the State Government Insurance Office Act Amendment Bill, he omitted to mention that the franchise of the State Government Insurance Office was specifically extended by section 14 of the parent Act to enable it to undertake liability for this responsibility. As it turned out, it appears that this was not very good business for the State Government Insurance Office.

In any event, the primary purpose of the Trust Interest Account is to provide a guarantee fund which takes care of the claims of clients whose moneys have been misappropriated by legal practitioners.

The Bill before us has two provisions. Firstly, it seeks to raise the prescribed amount from 50 per cent. to 65 per cent. The Attorney-General claims—and there is no evidence to contradict him, of course—this will not cause any hardship to legal practitioners and that the provision was, in fact, suggested by the Law Society. This claim stands to reason when we understand that the 50 per cent., or the proposed 65 per cent. deposit is not a contribution by lawyers. It is only a device whereby part of their trust accounts, or part of the lowest balance of their trust accounts, will be deposited in an interest-bearing account at the same bank instead of being kept in a normal trust account which does not earn any interest.

Of course, it would be impossible for lawyers to handle trust accounts and pay interest to each separate client, because some of them may deposit the money for only a day or two days, and indeed, it would need a computer or a banking organisation to work out the interest that should be paid to every client.

Hence the provisions of the parent Act; that is, when these moneys are deposited in the special account they will bear interest as specified. Of course, lawyers cannot

suffer hardship, because ultimately, as I understand the position, if a normal trust account is depleted for legitimate reasons, they can then draw from this special account the interest which has been credited to the trust account.

The percentage increase will no doubt bring in higher amounts of interest which can increase the Trust Interest Account and, in turn, the Guarantee Fund. The answer I received to my question asked of the Attorney-General today revealed that the Trust Interest Account had an inflow, in round figures, of $104,000 and $129,000 respectively for the years 1970 and 1971. A quick and rough mental calculation would reveal that, supposing the bank paid an average of 3½ per cent. interest on the amount in the fund, that interest would represent a deposit of $3,000,000 in 1970 and $4,000,000 in 1971. If we consider that these deposits represent only 50 per cent. of the trust accounts and, for that matter, only 50 per cent. of the lawyer's balance of the trust account, we can easily imagine that the total trust accounts in Western Australia could amount to about $20,000,000 or $30,000,000. This is quite a staggering figure.

I do not think such a calculation would be wrong and it frankly surprises me, but, according to the facts and figures supplied, it must be so.

The SPEAKER: There is too much talking going on.

Mr. MENSAROS: The second provision in the Bill deals with interim payments to persons who have incurred pecuniary losses through defalcation of legal practitioners. Claims against the guarantee fund of the trust for recouping such losses take a long period to process. The parent Act provides for criminal and civil proceedings, if necessary; for investigations; for taking into consideration relative degrees of hardship when apportioning amounts, and it also provides for exhausting almost every other remedy that may be available. To conclude, all these processes would take a long time, during which period some clients who had been victims of defalcations could suffer serious hardship. This was no doubt in the mind of the Crown Law Department and the Attorney-General when he included this second provision in the Bill, because it empowers the trust to make interim payments before apportionment to claimants. These interim payments—if granted and paid—will not prejudice the right of the claimant in regard to the amount of his full claim.

The Opposition welcomes the amendments contained in the Bill and supports the motion for the second reading.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [6.10 p.m.]: I thank the member for Floreat for his clear analysis of the provisions of the Bill, his appreciation of their significance, and his full support of them.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and transmitted to the Council.

Sitting suspended from 6.13 to 7.30 p.m.

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th April.

MR. O'CONNOR (Mt. Lawley) [7.30 p.m.]: When introducing this Bill the Minister indicated that it contained four separate parts. From our point of view these are of no great moment and, accordingly, we offer no real opposition to them.

The first provision concerns the opening of amusement centres and provides that these centres be open on Sundays between 10.00 a.m. and 6.00 p.m. I see no objection to this, and those on this side of the House support the provision.

I did notice, however, that in his speech the Minister said that various youth groups had made a request for this legislation. I find it a little difficult to appreciate the type of youth group that would request this type of legislation because most of these youth groups have their own sporting activities during Sundays and, accordingly, I would ask the Minister to give us some indication of the name of one of these youth organisations so that we might know who is making the request for which provision is made in the Bill.

The second provision in the measure to which I wish to refer deals with unclaimed stolen goods and seeks to amend section 75 of the principal Act. At present unclaimed goods are held by the commissioner for a period of 12 months before they can be disposed of. In the case of unclaimed property which has been found and handed in the period before it can be disposed of is six months.

The Bill now proposes to bring these provisions into line and prescribes a period of six months for which both stolen unclaimed goods and unclaimed goods which have been found can be kept before being disposed of. This is quite reasonable and we see no objection to it.

Clause 3, however, is possibly a little more contentious. It refers to the unlawful use of motor vehicles and is framed to assist the police in arresting prospective car thieves who are found with jumper leads or other starting equipment. As has been explained, if the police found a person with this type of equipment in the past no charge could actually be laid.

The provision in this clause goes further and permits the police to deal with the matter a little more effectively. Why I say the provision might be a little contentious is that it probably does not go far enough. We had hoped that when introducing the Bill the Minister would come forward with something that would in some way have tried to counter the effects of the greater number of car thefts occurring regularly both in the metropolitan and country areas.

It is a great pity to find that people—particularly young people— appear to get a thrill out of taking a good car and trying it out at high speeds, during the course of which they damage the car very badly.

I have some knowledge of this because a vehicle was removed from my place some two or three years ago. It was found burnt out on one of the beaches. I happened to be covered by insurance so it was really no great loss to me. There may, however, be individuals who have put their life savings into the purchase of a vehicle and who have not sufficient money to insure their vehicle. When it is damaged beyond repair it means that they lose their life savings which of course were used to purchase the vehicle in the first place.

It is my belief that those who assume unlawful possession of motor vehicles should be dealt with far more severely; they should in some way or another be made to repay the amount involved even if this is done at a later date. I say this in the certain knowledge that we will have to face up to this problem more seriously in the very near future.

The next provision to which I would like to refer deals with the carrying of dangerous weapons in motor vehicles. Again we have no objection to this provision, though I think the police will need to carry out their duties in this regard very carefully, because it could be possible that at times there will be legitimate reasons for people to carry such weapons in their vehicles. For example, in the Eastern States, taxi drivers and others have been held up and attacked while in their vehicles and, as a result, a number of them carry some type of weapon in their cars, which they keep handy to protect themselves.

I know the police in this State too well to fear that they will unnecessarily interfere in this sort of thing, without there being some justification for their so doing.

I know the law says that a weapon must be in a person's possession before action can be taken against him. I appreciate the argument that at the moment people who carry such weapons in their vehicles are able to avoid prosecution because the weapons are not actually in their possession. The Bill before us will provide for this aspect.

As I have said, we have no objection to the measure before the House and, with those few comments, I support the Bill.

MR. NALDER (Katanning) [7.39 p.m.]: I, too, rise to support the legislation before the House but, like the member for Mt. Lawley, I would like to know the names of the youth organisations that have requested the amendment to the Act which refers to the opening of amusement centres on Sundays between the hours of 10 o'clock in the forenoon and six o'clock in the afternoon.

I do not intend to express my views on this subject in any great detail, but I am rather surprised to think that a request should have been made to have this type of entertainment made available at the times proposed.

This entertainment is, of course, available at the moment in the city area though, I understand, it is also available in some parts of the suburbs and possibly in the beach areas; though I am not too sure of that.

I do, however, question the value of such amusement centres being open so early on a Sunday. I consider this aspect most important. If it were necessary and some good arguments were presented in favour of it, I would be prepared to consider a request for amusement centres being opened on a Sunday afternoon.

As a matter of interest, I notice that the Minister who introduced the Bill in another place said it would be better to have these young people congregate together in a particular area where an eye could be kept on their activities; that the authorities would know where they were and what they were doing; and that it would prevent them from roaming around and getting into mischief.

If this were the case I think there is a good argument to keep these centres open till 10.00 p.m. or 11.00 p.m. in order that we might know where these young people are and what they are doing. In such a case there is little justification for closing such centres at 6.00 p.m. If there were sound reasons given for opening these centres it would perhaps be better to open them at 2.00 p.m. and close them, say, at 8.00 p.m.

Mr. Lapham: Would not that provide an incentive to the young people to attend these centres?

Mr. NALDER: Such an incentive would be provided if the amusement centres were opened at 10.00 a.m. on a Sunday. The Minister merely said that youth clubs had made a request for such a provision. I feel it is possible that the request actually came from those who own such amusement centres; it is they who requested that the centres be open at the times suggested on a Sunday.

I do feel, however, that we are fast reaching the stage where we are giving the same importance to each day of the week. I know that times are changing, but I do question the value of considering a Sunday morning in the same light as the morning of every other day in the week. For that reason I am a little unhappy that the Government should agree to this proposal, because I believe that the argument against the provision is stronger in many ways than that for it.

It appears to me that the pressure has been applied by the owners of these centres rather than by those who wish to participate at such centres. I have not frequented these places, but I would be very surprised if there were any strong demand for the opening of the centres on a Sunday morning.

Accordingly I question the value of this provision and I think further consideration should have been given to the time at which such amusement centres ought to open. I consider it would be better if the opening of the amusement centres were left until after lunch.

Several people have made this point to me because they sincerely believe it would be better, in the main, for the majority of people—and particularly for those who frequent these places; and I should say there would be only a small percentage—if some consideration were given to opening these centres after lunch.

It is generally the practice for families to be together at the weekend, and this should be encouraged rather than opportunities be made for entertainment away from the home which would mean attaching the same important to each day of the week, rather than have Sunday set aside as something special. That is why I feel more consideration should be given to this matter. I am certainly not at all happy about it.

I was surprised to learn from reading the debate in another place that quite a number of members there also were not happy about this aspect but, at the same time, no real action was taken to see whether or not the suggestion I have made could have been given further consideration.

In the Committee stage, however, I intend to test the feeling of members by suggesting that the opening of these amusement centres be not permitted till after lunch.

I think the other aspects are quite reasonable. The reasons given for the provisions suggest that it is important to have a look at the problems associated with various types of legislation. I make a further comment regarding the problem associated with the stealing of motor vehicles. I believe a thorough investigation into this aspect is necessary.

Replies to questions asked some weeks ago indicate that the majority of the offenders are young people who do not have drivers' licenses. By far the greatest number of offenders are in the 16-year-old age group. A great deal of thought ought to be given to the circumstances associated with this situation. I do not say the young people concerned should be gaoled, unless they continue to steal motor vehicles. If young offenders continue to appear before the courts, and take no notice of advice given to them, perhaps stricter penalties are required.

It is necessary for public-spirited people to give thought to this matter. I have no objection to the other provisions contained in the Bill, and I indicate my support for it.

MR. BICKERTON (Pilbara — Minister for Housing) [7.47 p.m.]: I thank the member for Mt. Lawley and the Leader of the Country Party for their remarks on this measure which I have put forward in my capacity as the Minister representing the Minister for Police. Both members who have spoken raised similar points, particularly in connection with youth clubs. I agree with the Leader of the Country Party that this matter was raised in another place.

I discussed the matter with my colleague, the Minister for Police, and he assures me that there were a considerable number of requests from youth clubs, and he indicated that he did not feel inclined to name the clubs. Nor do I feel inclined to name the clubs in this House.

Mr. O'Connor: Undoubtedly, they would be associated in some way with those who operate the amusement parlours.

Mr. Lapham: Activated by them, anyway.

Mr. BICKERTON: Through the provisions contained in this Bill we are not seeking to open amusement parlours: we are seeking permission to extend the hours of the parlours which already operate. In other words, whatever sins they may have —and I do not think they have many— can now be availed of from Monday to Saturday. It is a matter of saying now whether or not the premises are to be allowed to open during restricted hours on Sundays.

The advisers of the Minister for Police have looked into this matter and they see no reason that there should not be a limited session on Sundays so that young people—and, in some cases, the not so young—can gather and enjoy the type of amusement which they normally enjoy from Monday to Saturday. Personally, I do not envy them that type of enjoyment; I can find better things to do with my Sundays. However, I cannot see why they should not be allowed to spend their time in the way they desire.

Mr. O'Connor: Has the Minister mentioned the names of any of the youth organisations which have made an approach?

Mr. BICKERTON: No.

Mr. O'Connor: Do you intend to?

Mr. BICKERTON: No, it is not my intention to name them.

Mr. O'Neil: If only for the reason that you do not know!

Mr. BICKERTON: The member for East Melville usually makes a more intelligent interjection.

Mr. O'Neil: Please accept my apology; I was being facetious.

Mr. BICKERTON: I can assure the member for East Melville that I do know the names of some of the organisations, and I have no doubt the Minister for Police would not have mentioned them.

Mr. Nalder: Are they police boys' clubs?

Mr. BICKERTON: Some of them could be.

Mr. T. D. Evans: Amusement parlours provide healthy indoor sport.

Mr. BICKERTON: Referring to the amendment dealing with the unlawful use of motor vehicles, I will admit it will only tidy up a section of the Act. In answer to the point raised by the Leader of the Country Party, I do not know how to prevent the unlawful use of motor vehicles by young people.

I can put forward the problems in connection with this matter—the same as the rest of the people in Western Australia could do—but no-one seems to be able to come up with a solution. The amendment will probably only go part of the way but if from time to time other weaknesses are found I have no doubt subsequent amendments will be moved. No doubt it is only natural for some young lads, who have spent most of their lives riding around in motor vehicles, to want to take control at some time or another. If a lad is not old enough to obtain a license he sometimes takes a vehicle unlawfully. All the policemen in the world will not stop this offence.

I trust that as the Act is tidied up from time to time we will reach the stage where the offence is committed to a lesser extent. I thank members for their support of the measure.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. A. R. Tonkin) in the Chair; Mr. Bickerton (Minister for Housing) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 61 amended—

Mr. NALDER: I am somewhat disappointed and rather surprised that the Minister representing the Minister for Police has not been prepared to indicate the source of the suggested strong support from youth clubs to open amusement centres during the times set out in the Bill. I do not see any reason to suppress this information, because it might be sufficient to satisfy us. As a matter of fact, the lack of information makes one suspicious that youth clubs might not be involved in this at all.

I believe that a period from 2.00 p.m. to 6.00 p.m. would be reasonable. Families should be given the opportunity to spend some time together on a Sunday. If there is such a strong demand for amusement parlours to be opened on Sundays then let us try the afternoon period. If there is strong support for a further amendment then consideration can be given to the matter again. To test the feeling of the Chamber I move an amendment—

Page 2, lines 14 and 15—Delete the words "ten o'clock in the forenoon".

Mr. BICKERTON: We either agree to open amusement parlours on Sundays, or we do not agree. After due consideration to this matter it was felt that a period from 10 o'clock in the forenoon to six o'clock in the afternoon would be reasonable for what might be called a trial period. Some future Government may wish to extend or restrict those hours. It was considered that those hours would not interfere with church service times.

Mr. LEWIS: I appeal to the Minister not to be adamant on this matter. He has mentioned this is to be a trial period and I would point out that we open hotels on Sundays, but during restricted hours. I think the amendment moved by the Leader of the Country Party should be accepted for a trial period.

I have some mixed feelings about amusement centres which it is now proposed to open on Sundays. Young people can get into plenty of trouble as it is, but I agree with the Minister that the

proposal is an attempt to provide amusement where young people can get together under a certain amount of surveillance. Perhaps that would be better than having the young people running around on the loose, not knowing what to do. I think the period during the afternoon would be reasonable and I appeal to the Minister, again, not to be adamant.

Mr. O'CONNOR: The approach from this side has been reasonable and amicable. I am rather surprised that the Minister has not given us details by way of answering some questions which we have asked him. Apparently the reason he will not give the answer is that he cannot substantiate his statement.

Mr. Bickerton: It is not that so much. I am dealing with the deletion of certain words. If I were to give an explanation, as you suggest, I would be out of order. I am not suggesting for one moment that you are out of order.

Mr. O'CONNOR: The requests we made were quite reasonable, and on this basis I feel we should go along with the Leader of the Country Party because the Minister has given us information he cannot substantiate and he now cloaks the matter in secrecy. Must we go along with that? We asked one small question and he would not give the answer to the Chamber. This Chamber is entitled to have the information we are asking for. The Minister advised us that a number of youth groups had approached him, yet when we asked him to name one of them he did not even name the young A.L.P.

Mr. Jamieson: With all their activities, it would probably be the Young Liberal Movement.

Mr. O'CONNOR: At least their activities are in the right direction. They are not demonstrating like a lot of other coots.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): Order! Order!

Mr. O'CONNOR: I do not think the Minister has done the right thing by the Chamber. He has not provided us with the information to which we are entitled. I am therefore prepared to go along with the amendment moved by the Leader of the Country Party.

Mr. W. A. MANNING: The Minister has not shown this Chamber the respect to which it is entitled. If he can justify this clause, surely he could at least go to the extent of stating who had asked for it. He said a number of youth organisations had made this request. When asked to give the names of those organisations, he refused to do so. This does not accord with my idea of respect for this Chamber. I ask that the Minister state who officially asked him to allow these places to be open during these particular times. If he will not do so, we will vote against this clause in protest against the Minister's action in not revealing the basis upon which he has pursued this matter.

Mr. BICKERTON: I think I should reply to the member for Moore, who appeared to me to be in order. He appealed to me to go along with the amendment proposed by the Leader of the Country Party to change the time from 10.00 a.m. to 2.00 p.m. If these places will be open on Sundays, I cannot see why we should quibble about a couple of hours. Perhaps the reason for the hours of 10.00 a.m. to 6.00 p.m. is that some people want to go to these places in the morning rather than in the afternoon.

Mr. Nalder: If you told us who the groups were, we might agree.

Mr. BICKERTON: Under certain licensing laws mentioned by the member for Moore the hours are not the same on Sundays as on weekdays; neither are these hours, and if the Committee decides that these places will be open on Sundays I can see no reason for haggling about whether they are open from 10.00 a.m. or from 2.00 p.m. I cannot support the amendment.

Mr. O'CONNOR: I think the Minister has made a rather strange statement. He said that people might want to go to these amusement places in the morning or in the afternoon. If that is so, he is putting up a case for their being open 24 hours a day.

Mr. Bickerton: I did not say they were wrong.

Mr. O'CONNOR: We either agree or disagree with these laws. Perhaps hotels should be open 24 hours a day. It is obvious the Minister does not know his subject or does not know the names of the parties involved.

Mr. Bickerton: He knows you.

Progress

Mr. O'CONNOR: I suggest we give the Minister time to obtain the information and bring it back to this Chamber. I move—

> That the Deputy Chairman do now report progress and ask leave to sit again.

Motion put and negatived.

Committee Resumed

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

Ayes—19

Mr. Blaikie	Mr. O'Neil
Dr. Dadour	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Hutchinson	Mr. Stephens
Mr. Lewis	Mr. Thompson
Mr. W. A. Manning	Mr. Williams
Mr. McPharlin	Mr. R. L. Young
Mr. Measaros	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
Mr. O'Connor	*(Teller.)*

Noes—19

Mr. Bertram	Mr. Jamieson
Mr. Bickerton	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. May
Mr. Bryce	Mr. Moller
Mr. Burke	Mr. Norton
Mr. Cook	Mr. Sewell
Mr. H. D. Evans	Mr. Taylor
Mr. T. D. Evans	Mr. Harman
Mr. Graham	*(Teller)*

Pairs

Ayes	Noes
Mr. Ridge	Mr. McIver
Mr. Court	Mr. Bateman
Sir David Brand	Mr. Davies
Mr. Reid	Mr. Hartrey
Mr. Grayden	Mr. J. T. Tonkin
Mr. Coyne	Mr. Fletcher

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

Clause put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Bickerton (Minister for Housing), and passed.

TRAFFIC ACT

Amendment of Regulations: Council's Resolution

Message from the Council received and read requesting concurrence in the following resolution:—

> That the regulations made pursuant to the Traffic Act, 1919-1971, as published in the *Government Gazette* on the 16th December, 1971, and laid upon the Table of the House on the 14th March, 1972, be amended as follows—
>
> > First Schedule—Item 121A—To delete the figure "20" in the last column of the schedule, and substitute the figure "5".

ZOOLOGICAL GARDENS BILL

Returned

Bill returned from the Council with an amendment.

IRON ORE (RHODES RIDGE) AGREEMENT BILL

Order Discharged

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [8.13 p.m.]: I move—

> That Order of the Day No. 8 be discharged from the notice paper.

Question put and passed.

Order discharged.

IRON ORE (RHODES RIDGE) AGREEMENT AUTHORIZATION BILL

Second Reading

MR. GRAHAM (Balcatta—Minister for Development and Decentralisation) [8.15 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill now before members is to obtain Parliament's authority for the Government to enter into the agreement appearing as a schedule to the Bill. By passing the Bill, Parliament would be authorising the Premier to execute the agreement on behalf of the State. When signed by all parties the agreement would immediately have the force of law. This procedure closely parallels the approach used for the Alumina Refinery (Upper Swan) Agreement Bill, and accords with the Government's stated intention at that time to adopt authorisation Bills as standard procedure for new industrial and mining agreements. This is, of course, a new agreement coming before Parliament in a short period of 10 months from the date of the announcement by the Government of its Pilbara proposals on the 26th June, last.

Members will note that the Bill authorises the execution of an agreement substantially in the form shown in the schedule. The word "substantially" is intended to allow sufficient flexibility to enable any last minute corrections or legal drafting alterations of a minor nature to be carried out without the need to refer such matters again to Parliament. However, the agreement cannot be altered to change the rights or obligations of either the State or the joint venturers, or to modify the principal objects of the agreement, without the approval of Parliament.

As a modernising step the agreement has been divided into discrete sections—and I draw attention to the spelling of the word "discrete": I like the word; it means "separate" or "distinct"—each bearing an identifying caption which takes the place of marginal notes which appeared in previous agreements. The sections have been grouped into five major subject groups, or parts, as follows:—

> Part I—Entitled "Preliminary," which contains definitions and required amendments to existing Acts.
>
> Part II—Entitled "Feasibility Studies and Preparation of Proposals," which is self-explanatory.
>
> Part III—Entitled "Implementation of Proposals," which deals with the joint venturers' firm obligations to construct and operate all the various facilities needed for an iron ore project.

Part IV—Entitled "Secondary Processing," which covers the joint venturers' obligation to investigate and embark upon secondary processing.

Part V—Entitled "General Provisions," which contains all the usual clauses related to delays, notices, arbitration, assignment, and the like.

It is hoped that members will find the new format more convenient and the agreement easier to follow.

The parties to the agreement are the State and a joint venture comprising Rhodes Ridge Mining Co. Ltd. and the Hanwright partners. Rhodes Ridge Mining is a wholly owned subsidiary of Texas Gulf Inc. Members may be more familiar with the parent company name of Texas Gulf Sulphur Company, well known in the United States of America. Many members will be familiar with Texas Gulf because of its participation in the Robe River project. This organisation decided to adopt the new name at its annual general meeting in the United States on the 28th April last—a matter of a few days ago. Texas Gulf has agreed to guarantee the performance and obligations of its subsidiary, Rhodes Ridge Mining. The actual joint venture shares will be Rhodes Ridge Mining, 50 per cent.; Hancock Prospecting, 25 per cent.; and Wright Prospecting, 25 per cent. Rhodes Ridge Mining will control and operate any project arising from this agreement on behalf of the joint venturers.

Under the agreement the joint venturers will be granted rights of occupancy for five years to nine iron ore temporary reserves located in the vicinity of Mt. Newman, including what has become known as the Rhodes Ridge ore body. The temporary reserves are shown coloured green on a plan which I will, with your permission, Mr. Speaker, now table.

The plan was tabled.

At present these rights are held in the names of Nicholas and Rhodes, but are under option to Hanwright. The joint venturers will secure a transfer of these rights to the names of Hancock, Wright, and Rhodes Ridge Mining prior to signing the agreement. The nine temporary reserves involved were issued under new terms and conditions in mid-1971 and are distinct from the temporary reserve applications now being considered by the Government—and in respect of which it is hoped to make an announcement in the next week or two.

After obtaining approval of proposals, the joint venturers have the right to apply for a mineral lease covering an area not exceeding 300 square miles. Upon the granting of such a lease the rights of occupancy would cease.

During the initial five-year period the joint venturers are required to carry out the normal investigations and studies and make reports to the State. Unless an extension of time is granted by the Minister the joint venturers must submit firm development proposals to the State before the end of the five-year period. The agreement contemplates an initial set of proposals covering among other things the mine, railway, port, townsite, and water supply developments required for the first iron ore contracts needed to establish the project. Later, if the joint venturers decide to expand their level of output, the Minister may require them to submit further proposals to the State. This provision also applies to any additional expansions.

Under the agreement the joint venturers must provide all facilities required for their operations, including what has been called social infrastructure, such as schools, hospitals, medical facilities, and police stations. There is provision in the agreement for the joint venturers to make use wherever possible of existing Pilbara infrastructure, naturally after first obtaining the agreement of the parties involved. I feel this is a very sensible provision. Here let me interpolate that we have heard something of Pilbara plans—whether or not it be possible to locate them—and members will draw the conclusion, from the several Bills introduced earlier this evening and from this Bill, that a systematic scheme for the proper development of the Pilbara area is gradually coming to fruition.

I would now like to draw the attention of members to two important departures from previous agreements. Firstly, the joint venturers have agreed to pay higher royalties under this agreement. The royalty provisions, compared with previous iron ore agreements, are as follows:—

Direct shipping lump ore—royalty remains at 7½ per cent. of the f.o.b. value.

Direct shipping fine ore—royalty was previously 3¾ per cent. but now becomes 7½ per cent. of the f.o.b. value.

Fines—royalty was 15c per ton, escalated every five years in step with B.H.P.'s price for pig iron. The current figure is 17.54c per ton. However, under this agreement royalty becomes 7½ per cent. of the f.o.b. value, realising approximately 35c per ton.

Locally used or processed ore—the royalty provisions remain unaltered at 15c escalatable. Again the current figure is 17.54c per ton.

Based on experience in the Pilbara to date, these changes based on an assumed annual production of 10,000,000 tons of ore should increase royalty revenue from approximately $4,000,000 a year to approximately

$5,000,000 a year—an extra $1,000,000 a year. The joint venturers will also pay higher rentals for Crown lands, temporary reserves, and mineral leases than was the case in previous agreements.

Secondly, under this agreement the joint venturers will accept an increased commitment to secondary processing in lieu of establishing an iron and steel industry. Under typical existing agreements companies are obliged, if economically viable, to be undertaking processing by the end of the 12th year, and progressively to increase this to 2,000,000 tons throughput per annum by the 17th year. In addition, the requirement has been to produce steel by the 25th year and to build up capacity to achieve an output of 1,000,000 tons of steel by the 32nd year. In lieu of this the joint venturers will, again if economically viable, undertake secondary processing by the end of the 12th year at an annual throughput of 2,000,000 tons, and progressively build this up to an annual capacity of 6,000,000 tons by the 30th year. The increased secondary processing obligation is considered a more desirable and practical alternative to steel, and should result in comparable investment and employment while improving the range and marketability of iron ore products from the Pilbara.

Most of the remaining provisions in the agreement closely parallel those in previous agreements. However, there are one or two points to which I would like to refer.

The joint venturers are required to make a thorough assessment of the likely environmental impact of any proposed project. This specific provision has not appeared in earlier agreements. Naturally, all of the joint venturers' proposals will be referred to the Environmental Protection Authority for comment when they are submitted for ministerial approval in due course. This agreement does not exempt the joint venturers from complying with all existing and any future environmental protection legislation.

The joint venturers have expressed a desire to locate their port operation in the vicinity of Cape Lambert or the Dampier Archipelago. They will investigate a number of possible port sites in the area, including Legendre Island, before approaching the State concerning any particular site. Their studies will, of course, include the possible sharing of existing port facilities with other companies.

The joint venturers must submit as their first proposal a chosen port site and, in line with long-standing State policy, the Minister's decision on the port site is final and not referrable to arbitration. When the port site has been settled the joint venturers would proceed to submit proposals for detailed port construction, a railway, townsites and housing, water supplies, roads, power supplies, airfields, dust control, drainage, and areas of land required from the State. These provisions as to proposals are in line with previous agreements and such proposals are referrable to arbitration in the event of any dispute. Once approved by the Minister proposals become binding on all parties and must be implemented.

The significance of a port in the Dampier-Cape Lambert area will not be lost on members. Should the joint venturers succeed in mounting their project, a new rail link will be required down the Fortescue River valley to connect the Rhodes Ridge deposit to the port. Such a link would be of great benefit to the Pilbara, generally, because through co-operation between companies ore from the general Mt. Newman area would have access to the Dampier Archipelago and Legendre Island, a port site which the State believes has the potential to handle the biggest bulk ore carriers now foreseen. The ability to accommodate the largest available ships could prove to be of the greatest benefit in the years ahead.

I understand the largest that are foreseen currently approach the colossal tonnage of 300,000 tons. I do not propose to mention in detail the remaining provisions of the agreement. As I have said, they closely resemble those appearing in earlier agreements and I feel that members will be familiar with them. Provisions relating to townsites, roads, water supplies, and electricty have been expanded compared with earlier agreements to take account of the State's actual operating experience in the Pilbara over the past few years. The normal provisions appear in the agreement whereby the joint venturers will construct and operate their project and provide all necessary facilities to enable them to do so without cost to the State.

Part V of the agreement contains the usual general provisions concerning delays caused by *force majeure*, assignment to other companies with the Minister's approval, by-laws, default, variations and arbitration. I might mention that any substantial variation to the project must be tabled in Parliament, and Parliament has the opportunity to disallow the variation.

The final section of the agreement contains the provisions where Texas Gulf Inc. guarantees the performance and liabilities of its subsidiary, Rhodes Ridge Mining Co. Ltd.

Let me say that this agreement, and the project which will hopefully emerge from it, are welcome despite the current market slump for iron ore in Japan. World steel production shows remarkably steady growth over the years and we must look to the longer term with a project of this kind.

Rhodes Ridge ore has been proven in the drilling programme carried out to date to contain a comparatively high phosphorus content, and if the joint venturers can succeed in marketing this ore it would be of considerable benefit to the State since hundreds of millions of tons of high phosphorus ore apparently exist throughout the Pilbara region.

I am delighted on a number of counts that it has been possible to introduce legislation embodying this agreement at such short notice, following the decision of the Government to which I made reference earlier. I say that, because arrangements such as this one had reached a point of standstill on account of the uncertainty that existed in relation to mining areas which have been occupied by people who were not sure as to the decisions of the Government regarding their future.

I want to make reference to something which is perhaps a little controversial. When it was first announced that Texas Gulf Sulphur was interested and desired to negotiate with the State for the purpose of establishing a project costing in the vicinity of $300,000,000, to my surprise it was met by this reaction from *The West Australian:* This newspaper found it of sufficient importance to give this project a single column report with a single column heading!

This was a couple of days before I departed for the United States of America to deal with some matters, particularly in relation to iron ore projects. A couple of days after I left Western Australia, by sharp contrast there appeared in *The West Australian* an article taking up four columns under a four-column heading, "Scepticism grows over Rhodes Ridge venture." I have totted up the space, and found that about 14 inches was devoted by that newspaper to announce this tremendous project with all the benefits that could flow to Western Australia, and which I am sure every loyal Western Australian hopes will come to fruition; yet approximately 42 inches of space, or three times the amount, was devoted to pouring buckets of cold water over the project.

Amongst other sneers in that article there is one which reads—

> The State Government must also know that with a vital by-election immediately ahead it would be good for its public image to announce the first Labor-negotiated iron-ore venture.

I mention this matter in sorrow rather than in anger, because when I was in the U.S.A. my attention was drawn to this article. I did not see it during all the time I was in that country, but I was asked questions as to whether, on account of this attitude and others displayed by the local Press, Western Australia really desired investment within its boundaries.

Mr. O'Connor: This sort of thing happens with all Governments.

Mr. GRAHAM: There is nothing party political or personal about it. It is regrettable that this sort of thing occurs, especially at a time when there is an economic downturn in the affairs of the State and the Commonwealth, and when one would have thought that the prospect of any new venture would be welcomed with open arms, and advantage would be taken of the occasion to create a spirit of optimism in the community. Instead of that, the newspaper I mentioned gave a very abbreviated report of the announcement, but almost unlimited space to pouring buckets of cold water on the project.

Mr. Nalder: The Minister for Agriculture does not agree with you, because he made a statement in Albany last Saturday in which he said that everything was glowing and on the improve.

Mr. GRAHAM: Apparently the Leader of the Country Party has been asleep again.

Mr. Nalder: No, I have not been.

Mr. GRAHAM: I am now referring to a period in October, 1971, but this is now 1972. Things are improving because of the international scene generally; and they are improving significantly, because there is a Federal election just around the corner!

Mr. Rushton: Yet your leader has been talking about bankruptcies.

Mr. GRAHAM: I do not have to point out that things are improving on account of the fact that there is a Labor Government in office in Western Australia. I am certain that by the time the three-year term of this Government has expired, the improved situation will be evident to everybody. We will also take advantage of the opportunity to express or confirm this in the minds of the people about the time of the next State election. Meanwhile we will get on with the jobs with which we are charged; and one of them is to make it possible for this company with its international experience over very many years, to proceed with its activities, coupled with the help of some Western Australian personalities by the name of Lang Hancock and Peter Wright.

Mr. O'Neil: That brings me to the point that the article you mentioned did not appear in the *Sunday Independent.* I am referring to the pouring of buckets of cold water on the project.

Mr. GRAHAM: That appeared in *The West Australian.* The announcement of the project appeared on the 27th October,

and the article expressing criticism appeared on the 30th October, 1971. It was very disappointing, and it did less than justice to Western Australia. I do not want to quote at any length from that dampening article written by Brian Wills-Johnson. I do not know his qualifications but I should say he was not striking a blow for the State in which he draws his livelihood.

I will now submit some thoughts and considerations as to why a fifth major iron-ore producer should be allowed in Western Australia, and why the foundation must be laid now. Perhaps in this regard I should quote from the newspaper article I have mentioned. At the commencement the article states—

> In the four days since the announcement that negotiations had started for the $300 million development of the Rhodes Ridge iron ore deposit industry reaction has changed from amazement to scepticism.
>
> The first surprise was because of the economics of such a project, particularly at a time when world demand for steel is being cut back sharply.

In respect of that I would comment that the situation is best viewed in the light of the following basic facts:—

(a) Iron ore is an international commodity.

(b) Japan is the world's largest importer of iron ore.

(c) Japan has huge rapidly growing financial reserves which must be invested overseas to avoid further fluctuations in the yen; thus they will want sizeable equity participation in new overseas ventures.

(d) Any new iron ore project in W.A. will initially require a Japanese contract for the major portion of its production.

(e) Other countries—namely, Brazil, South Africa, Canada, etc. — are actively endeavouring to attract Japanese equity and thereby obtain long-term contractual commitment on new projects.

Current Western Australian producers are unlikely to make any more equity available to the Japanese. Thus, Rhodes Ridge —which can supply the required equity— will, in essence, initially be competing with Brazil, South Africa, Canada, etc., and not with existing Western Australian producers.

If a new project is not started in Western Australia now, there is little doubt that Australia will lose the project; and the monetary benefit generated by future sales in the next hundred years will go to Brazil or South Africa, or both, and be lost to Australia.

In 1971 the Japanese imported approximately 40 per cent. of their iron ore imports from Australia. The exact figure would be 39 per cent. The Japanese have indicated a willingness to raise that figure to 50 per cent. which is more than ample for another major project. Current Australian projects also have ample expansion possibilities as the Japanese iron ore requirements are expected to grow at least 6 per cent. annually.

Presently the Japanese, in the current downturn, are saying that no major mines can come into production until 1980. The joint venturers, the subject of this Bill and the agreement, feel this is too pessimistic by at least one or two years. Allowing one year for exploration on low phosphorus areas, and five years to finance, obtain sales contracts, and complete construction, a project must start now to commence shipping ore in 1978 and reach full production by 1980.

The newspaper, *Japan Echo*, of the 10th February of this year indicated that the 1978 estimated ore requirements in Japan will be 177,000,000 tons. Contracts have been written to date for only 141,000,000 tons of this requirement, leaving a potential of some 36,000,000 tons. Consequently a nominal first year tonnage in 1978 is a reasonable assumption. Half capacity tonnage in 1979 and full capacity in 1980 would be quite realistic. This is the view of the company.

State royalty income from Rhodes Ridge will be higher per average ton than that from present producers.

A railroad from Rhodes Ridge to the Lambert area will improve overall railway infrastructure in the north and allow the Rhodes Ridge area, in emergencies, to have access to perhaps three port sites. It will also join the east Hamersley area to probable shore location for the offshore gas fields.

For a 15,000,000-ton per year operation, such as is envisaged by this company, construction would require peak work forces of about 3,000 to 4,000 people. Operations would require an estimated work force of some 700 people. If port facilities were shared, the work force would be about 500. Substantial secondary processing would require additional people over the employment figure. If commencement of this projected development was unnecessarily delayed, accelerated construction schedules are always conducive to higher-than-necessary capital costs.

This Rhodes Ridge project offers the opportunity for sizeable Australian equity —50 per cent. of Australian participation.

Texas Gulf, the manager of the Rhodes Ridge joint venture, is a recognised world producer of both metallic and nonmetallic minerals and has the necessary expertise and experience to construct and manage

a project of this magnitude. Texas Gulf currently produces sulphur, potash, phosphate, silver, zinc, lead, copper, gas and oil and has a 10½ per cent. equity in Robe River.

I feel so much advantage can be gained for Western Australia—and we are fortunate that a company with the competence and experience of Texas Gulf Sulphur is available to participate on a 50-50 basis with Australian capital, and yet have the final say in respect of the management of the project—that we can regard this as being a red-letter day. I say this advisedly because so many industrial and manufacturing firms in recent time have run into difficulties and experienced trouble that when something bright appears over the horizon it is welcome and must be encouraged in every respect.

Finally, I wish to pay tribute to the principals of the joint venturers and also to the officers of the Mines Department, the Department of Development and Decentralisation, and the Crown Law Department for the manner in which they applied themselves at such short notice in order to have the agreement drawn and ready for presentation to Parliament.

It is an agreement which has had to be negotiated, and accordingly a great deal of bargaining and discussion took place at a high level, and it is the express wish of the company that this legislation be passed at the earliest possible moment so that it has a piece of paper—a title deed if we like—which it is able to produce to potential customers in order to obtain markets without which, of course, it is impossible even to consider embarking on a programme involving, as I have already said, an estimated $300,000,000.

Finally, because of the pressure to get this Bill here, I wish to extend a "thank you" to the Government Printing Office for having the Bill with the agreement here, it having arrived a matter of only minutes before the introduction of the measure which I commend to the House.

Mr. O'Neil: Before you sit down I have two questions which you may or may not be able to answer. Firstly, is there any penalty such as increased royalties in the event of any processing commitment not being met in the specified time?

Mr. GRAHAM: Not relating to royalties, no.

Mr. O'Neil: Any other penalty of which you are aware?

Mr. GRAHAM: No.

Mr. O'Neil: The other query is: What are the prospects in respect of the sale of either high phosphoric or beneficiated ore? Research is being undertaken in the matter and at the moment, as you indicated, this particular deposit is high in phosphorus and is not normally accepted for blast furnaces for this reason. However, research is being undertaken into this. Can you give us any indication of the progress?

Mr. GRAHAM: Members will appreciate that I am not the Minister for Mines, but perhaps I could make three observations. One is—and at this stage this is only a hope of course—that before very long new scientific means will be found to reduce the phosphoric content. It is a fact of life, I am informed, that Japan is currently importing from other countries iron ore with a fairly high phosphoric content and is using the Western Australian iron ore with the lesser phosphoric content to make the iron ore from other countries more acceptable and more usable.

Mr. May: Perhaps it should be pointed out at this stage that other allocations of areas will be made to Texas Gulf to enable it to blend.

Mr. GRAHAM: That is the third point I intended to make. At the present time the Government is considering allotting additional areas to quite a number of mining companies. In some of these areas it is known that iron ore with a lesser phosphoric content exists, while the presence of iron ore is not known in others; in other words, basic exploration must be undertaken. It would be our desire of course, sponsoring this new company, to do everything possible to ensure it gets off the ground. In other words, if it can be shown to us clearly and unmistakably that the company requires some iron ore resources with a lesser phosphoric content or higher iron content the Government, through the Mines Department, will do its utmost to ensure additional areas are made available.

Let me say in advance that no objection will be raised to the debate on this Bill being adjourned for one week to enable the honourable member and his colleagues —indeed, all members—to make a full study of the proposition, and then I would hope to be able to give attention to any of the queries raised by members.

Mr. May: This might be the opportunity to tell the House that we anticipate another such agreement before long.

Mr. O'Neil: Not tonight?

Mr. May: No. It is with another company.

Mr. GRAHAM: I am grateful for the interjection of my colleague because it indicates further that the Government is not marking time, but is proceeding, we hope, at an ever-increasing pace.

Debate adjourned for one week, on motion by Mr. O'Neil.

JUSTICES ACT AMENDMENT BILL

In Committee

Resumed from the 11th April. The Deputy Chairman of Committees (Mr. A. R. Tonkin) in the Chair; Mr. T. D. Evans (Attorney-General) in charge of the Bill.

Progress was reported after clause 1 had been agreed to.

Clauses 2 and 3 put and passed.

Clause 4: Amendment to section 4—

Mr. MENSAROS: My seemingly rather lengthly amendment on the notice paper does not intend to alter a single inch of the provisions in the Bill. It simply is intended to tidy up the Act as amended. Two definitions appear at the end of the Bill which would consequently come at the end of the Act as amended. When one looks for definitions in an Act, especially if the Act has been reprinted, one obviously would not look at the rear of the Act, but at the definitions in the front, the more so when 20 others are included.

I realise that originally it was easier for the draftsman to place them at the back. Also, if they were placed in the front, four words would have to be defined instead of two idioms. The two definitions to which I am referring are "court records" and "documents" which appear at the front of the amendments relating to records in a proposed new part of the Act. The provision merely allows for records to be destroyed in three years provided they are recorded on a negative. I move an amendment—

Page 2, line 11—Insert the following paragraphs, to stand as paragraphs (a) to (e):—

(a) by adding, after the interpretation "Complaint", the following interpretation—

"Court Record" for the purposes of Part X of this Act, means official record of any proceedings in any Court of Petty Sessions and includes any document filed in the Court, or in the custody of the Court, in relation to the proceedings;

(b) by adding, after the interpretation "Defendant," the following interpretation—

"Document" for the purposes of Part X of this Act, has the same meaning as it has in and for the purposes of the Division of the Evidence Act, 1906, relating to the reproduction of documents;

(c) by adding, after the interpretation "Minister," the following interpretation—

"Negative" for the purposes of Part X of this Act, has the same meaning as it has in and for the purposes of the Division of the Evidence Act, 1906, relating to the reproduction of documents;

(d) by adding, after the interpretation "Oath" the following interpretation—

"Official Record" for the purposes of Part X of this Act, has the same meaning as it has in and for the purposes of the Division of the Evidence Act, 1906, relating to the reproduction of documents;

(e) by adding, after the interpretation "Police Officer" the following interpretation—

"Reproduction" for the purposes of Part X of this Act, has the same meaning as it has in and for the purposes of the Division of the Evidence Act, 1906, relating to the reproduction of documents;

The DEPUTY CHAIRMAN (Mr. A R. Tonkin): I presume the existing paragraphs (a) and (b) will be renumbered.

Mr. Mensaros: Yes.

Mr. T. D. EVANS: The honourable member proposes to transpose the definitions which are found in clause 16 of the Bill to clause 4, and then subsequently move for the deletion of clause 16. I am advised—and in this regard I must rely on advice because the matter relates to drafting practice and I do not profess to be a draftsman, let alone a parliamentary draftsman—that the amendment is completely unnecessary, as these days it is considered good drafting practice to include definitions required in any parts of an Act, as in the case of the proposed new part X.

The method proposed by the member for Floreat recognises this principle because his own amendments refer to part X of the Act, and clause 16 does in fact deal with part X. Therefore the amendment is not only unnecessary, but, in drafting practice, it would appear to be undesirable; and I therefore recommend that the amendment be not accepted.

Mr. MENSAROS: I will not press for these amendments. I still cannot see the reasoning of the Attorney-General. Having had experience in studying lengthy Acts, and especially if they have been reprinted, and the person studying them is not familiar with the matter, I would say that when one wants to refer to a definition, one would not go to every part. This would have to be done according to what the Minister said. If an Act has scores of parts, which is the case with the Criminal Code with which we will deal shortly,

it will be necessary for the person concerned to look up every part in order to find the definitions involved.

To my mind it is much more logical, even though the Minister says his proposal is drafting practice, to have all the definitions at the beginning of an Act. As I have said, this is not a matter of politics. It is a matter perhaps of principle in the tidiness of an Act. If one looks at most of the Acts, one finds the principle is upheld. This additional part does not alter the whole meaning of the Act. It simply adopts modern techniques for preserving documents. I cannot see the validity of the Attorney-General's argument but, as I have said, if the Committee considers he is right, I will not press the amendments.

Amendment put and negatived.

Clause put and passed.

Clauses 5 to 7 put and passed.

Clause 8: Amendment to section 33—

Mr. BRADY: I am rather intrigued by the wording—

> (2) Where two or more Justices, one of whom is a Magistrate, are present and acting at the hearing of any matter and do not agree, the decision of the Magistrate shall prevail, notwithstanding that a majority of the Justices are of a different opinion. . . .

For many years I sat regularly on the bench as a justice of the peace and, from my experience, the provision seems unfair. On more than one occasion I disagreed with a magistrate and it was subsequently found that my decision, not the magistrate's, was the correct one. It seems somewhat wrong to give the magistrate the final decision, especially as magistrates sometimes think they have knowledge of local affairs when, in fact, they do not.

I should like to give a classic example. Many years ago I sat on the court in Midland when the local council prosecuted a man for not complying with one of the local government regulations. The man was found guilty of the charge and the magistrate turned to me and said, "We will fine him the maximum because his name indicates that he is the local bookmaker." As a matter of fact the man was not the bookmaker but a railway employee. I told the magistrate this and added, "As far as I am concerned he will be fined the minimum." In actual fact he was fined the minimum amount. This is an instance of a magistrate who intended to take it upon himself to decide on the basis of a name that the person deserved the maximum fine. I could quote a number of examples like this where the knowledge of the local justice of the peace was better than that of the magistrate who had come, probably, as a complete stranger to the district.

I wonder whether there is any special reason for giving a magistrate power to override one or more justices.

Mr. T. D. EVANS: I appreciate the obvious interest and, indeed, concern expressed by the member for Swan. I invite him to look at section 33 of the principal Act, which refers to police magistrates and resident magistrates. These terms now are quite academic because the Stipendiary Magistrates Act refers to them all as stipendiary magistrates. However, section 33 refers to the fact that a magistrate shall have power to do alone whatever may be done by two or more justices. I am not being facetious when I draw the conclusion from the existing section of the Act that one magistrate is worth two justices. Doubtless the member for Swan would disagree with that conclusion.

It must be borne in mind by the Committee that magistrates are appointed pursuant to the Stipendiary Magistrates Act. If the magistrate has not been drawn from the legal profession he must be a man who has qualified pursuant to magistrates' examinations. Again, this is referred to in the Stipendiary Magistrates Act. I should think that justices and a magistrate would be most likely to differ on a question of law. For obvious reasons, when there is a difference on a question of law I would prefer the view of a trained man to the view of justices, without any reference to the circumstances of the case.

I do not want the member for Swan to feel that the Legislature, in approving of this, in any way condemns justices. As I indicated in my remarks when introducing amendments to the Criminal Code, this State has owed a great deal in the past—and I am sure will still owe a great deal in the future—to the services of honorary justices.

The effect of this provision is to spell out that the view of a trained man is to be preferred to the view of a man who is not trained.

Mr. W. A. Manning: What about the principle of one-man one-vote?

Clause put and passed.

Clauses 9 to 11 put and passed.

Clause 12: Amendment to section 163—

Mr. MENSAROS: The clause proposes to amend section 163 of the parent Act by substituting a new paragraph for the existing paragraph (2). Section 163 deals with the execution of warrants in case a recognisance has been broken. In other words, the section deals with the case of a person, under surety of bail, who is obliged to appear, for instance, in front of a court, at a certain time, in a certain place. If the person does not do so a warrant of execution may be issued against his personal belongings.

Proposed new paragraph (2) states certain possessions which will be exempted from a warrant of execution. Paragraph (2) in the principal Act exempts certain

personal belongings of the person concerned and of his family to the value of $20.

Mr. T. D. Evans: I would like to indicate to the member for Floreat that I intend to support his amendment.

Mr. MENSAROS: I am glad to hear this and I shall be as brief as possible in explaining the amendment. The proposed new paragraph will exempt wearing apparel of a person to the value of $100; wearing apparel of his wife to the value of $100; and wearing apparel of his family to the value of $50 for each member who is dependent on him. It also excludes household furniture to the value of $300. Up to this point I am satisfied with the provision. However, the existing paragraph (2) exempts all the tools and implements of trade of the person concerned whereas the amendment in the Bill will only exclude implements of trade to the value of $100.

I was glad to hear the Attorney-General say that he proposes to accept my amendment. In all probability these will be the little people about whom we hear so much. They should be protected because, with monetary inflation, there is every likelihood that tools could be worth much more than $100. A carpenter normally carries a power tool and even a generator, which represent a much higher value than $100.

It is for these reasons that I suggest the ceiling amount of $100 should be taken from the reference to tools. My proposed amendment will not in any way affect the higher values placed on the other personal belongings. I move an amendment—

> Page 5, line 15—Insert after the passage "dollars," the words "tools and".

Mr. T. D. EVANS: I raise no objection at all to this amendment.

Amendment put and passed.

Mr. MENSAROS: I move an amendment—

> Page 5, lines 16 and 17—Delete the words "to the value of one hundred dollars".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 13: Amendment to section 197—

Mr. MENSAROS: I wish only to ask the Attorney-General whether he has any comments on the remarks I made during debate on the measure concerning some way to describe charges on summonses. Clause 13 deals with retrials.

I mentioned the possibility that a person may receive a summons which only states—for instance in a traffic case—that he exceeded the speed limit. The person in question may plead guilty because his recollection is that he exceeded the speed limit by five or 10 miles per hour. He may feel that by pleading guilty he will get off with a small fine. He could subsequently find that the charge was that, in fact, he had exceeded the speed limit by 30 miles an hour and there is a much heavier penalty. If some description of the charge could be given on summonses, requests for retrials might not occur so frequently. It could be worth while to consider this and I therefore ask the Attorney-General for his comments.

Mr. T. D. EVANS: I noted with some interest the comments made by the member for Floreat when he spoke on the Bill at the second reading stage. I would point out that representations have been made to me from the Law Society for a brief resume of the charge to be given on the face of the summons or, what would be more practicable, to be annexed thereto and the substance of the charge read out. It has been suggested that this should apply particularly where the accused is invited, and accepts the invitation, to plead guilty by endorsement of the summons.

I must say, however, I consider the example given by the member for Floreat is not the best he could have chosen. The honourable member spoke of a summons for a speeding offence, but in the case of a summons for such an offence the number of miles an hour at which the offender is alleged to have travelled is, in fact, always stated on the summons. Likewise the speed limit for the zone through which he was alleged to have been speeding is stated.

I can conceive that there may be cases where, on the face of the summons, a person may be alleged to be guilty of what is colloquially known as the offence of careless driving which means, in fact, driving without due care and attention. It is conceivable that a person could plead guilty by endorsement of the summons. Whether he attends court or not, the charge as read out to the magistrate or justice, as the case may be, might indicate a more serious state of affairs than the accused believed when he read the words, "driving without due care and attention."

All representations I have received from the Law Society have been referred to the Commissioner of Police for comment. At this stage I have not received his advice and, therefore, I have been unable to give the matter any further attention. I thank the member for Floreat for his interest in this matter.

Clause put and passed.

Clauses 14 and 15 put and passed.

Clause 16: Addition of part X—

Mr. MENSAROS: As the Committee has not agreed to the previous amendments, it is only logical that I do not proceed with my amendment to this clause.

Clause put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

CRIMINAL CODE AMENDMENT BILL

Order of the Day read for the further consideration of the Bill in Committee.

Instruction to Committee

Mr. T. D. EVANS: I move—

> That it be an instruction to the Committee of the Whole House,
>
> That Clause 14 of the Bill be deleted and that the Title be amended by deleting the figures "485" and inserting in lieu the figures "486".

Mr. W. A. MANNING: This matter arises because of a point of order raised some time ago. Members will note that this Bill refers only to certain but numerous sections of the Criminal Code. This is an unusual situation, because generally only a few Bills enumerate the sections to be amended in the title.

This Bill could have come before the House as a Bill for an Act to amend the Criminal Code and we would not now be facing the present problem. However, no doubt the reason for enumerating sections in the title was to prevent amendments to other sections. This is obvious otherwise it would have served no purpose.

It seems to me that in attempting to do this the Attorney-General has been caught in his own net. It is unfortunate as it transpires that section 322 was omitted from the title and also section 486. However, I considered the latter case was a typographical error because section 485 appears in the title.

Strictly the Attorney-General is responsible for this, but I do not suppose he was the person responsible for checking the Bill. However, somebody was rather careless in allowing this Bill to come before the House in its present form. I feel the House could quite easily accept the substitution of section 486 for section 485 in the title, but it is not so easy to correct the other error.

Standing Order 248 reads as follows:—

> No clause shall be inserted in any such draft foreign to the title of the Bill, and if any such clause be afterwards introduced, the title shall be altered accordingly.

However, if we look at Standing Order 249 we find it reads as follows:—

> Every Bill not prepared pursuant to the Order of Leave, or according to the Standing Orders of the House, shall be ordered to be withdrawn.

This Standing Order applies to the present case. There is no doubt about that. However, what can we do to save the Bill?

I think, Mr. Speaker, you intend to mention Standing Orders 266 and 275. I refer members to these Standing Orders but draw attention to the fact that they refer to amendments to a Bill after it is before the Committee. This is a different situation from the one before us at the present time.

I also refer to Standing Order 284 which reads as follows:—

> An instruction empowers a Committee of the Whole House to consider matters not otherwise referred.

It appears that we may be able to save the Bill under this provision, although I do not believe this is the intention of the Standing Order. One Standing Order should not override another Standing Order.

The provisions of Standing Order 249 call for the Bill to be withdrawn, but the Attorney-General's proposal is that the House shall now instruct the Committee to delete the offending clause—clause 14 to delete section 322—to restore the Bill to order. Although this course may be a dubious one, it would provide a remedy for our problem.

The Minister circulated another amendment which proposed to go a step further by re-inserting the clause during the Committee stage. I could not agree with that course.

Mr. T. D. Evans: The Attorney-General did not circulate that; it was circulated by someone else.

Mr. W. A. MANNING: I have a copy of it.

Mr. T. D. Evans: I do not know who was responsible for that.

Mr. O'Neil: It may have been The Speaker.

Mr. W. A. MANNING: In the circumstances I feel we should delete the offending clause to put the Bill in order.

Mr. Speaker, I notice that you are concerned that a matter such as this will set a precedent. However, I feel it would be wise to accept the suggestion of the Attorney-General if there is no dissentient voice. I do not feel we could vote on this matter under Standing Orders. However, I do not intend to raise any objection.

Mr. MENSAROS: I wish to comment on the matter of Standing Orders. I would go a step further than the member for Narrogin, because I am sorry that through one mistake a particular section of the Criminal Code will not be amended. This will leave the Criminal Code, as amended, somewhat limping because this section will not contain provisions which it should contain as a logical consequence to all the other amendments.

I am sorry I do not agree with the member for Narrogin, but Standing Order 285 expressly says—

> It is an instruction to all Committees of the Whole House to whom Bills may be committed, that they

have power to make such amendments therein as they shall think fit, provided they be relevant to the subject-matter of the Bill—

There is no doubt in my mind that the Attorney-General could have moved to deal with this under Standing Order 285. This Standing Order continues—

—but if any such amendments shall not be within the title of the Bill, they shall amend the title accordingly and report the same specially to the House.

Therefore the Attorney-General could have followed this course and in my mind the House would have had complete power to deal with the matter under Standing Order 285. However, the Attorney-General informs me that he will bring in further amendments to the Criminal Code, and he will incorporate this clause which it is now sought to delete. Therefore, the hiatus in the Act will stand for a short time only.

The SPEAKER: The member for Floreat, when commenting on this Bill, referred to some apparent irregularities. At the time, I did not clearly understand the points raised, but gained the impression that some typographical errors had occurred.

The clauses referred to appeared to be the same in substance as the other clauses of the Bill and, when the member for Narrogin raised a point of order, I gave my opinion that there appeared to be typographical errors which could be adjusted in Committee.

On a closer examination of the Bill the title was in accordance with the leave to introduce but the body of the Bill included a clause not coming within the title, although in conformity with the subject matter of the Bill. It appeared to me, because of the nature of the Bill and the nature of the restricted title, errors had been made in printing. On checking with the draftsman it was acknowledged that errors had been made in the copy sent to the Government Printer which were not picked up in checking.

As my opinion was not objected to at the time, and the Bill is now in Committee, I would refer members to page 58 of the Standing Orders "Subject Matter of Bill" and to Standing Orders 266, 275, and more particularly 284 and 285.

It is not my wish to create a precedent with this Bill and if there appears to be opposition to the procedure proposed by the Attorney-General under Standing Order 284, or members feel that Standing Order 285 does not meet the requirements to effect the necessary adjustments to the Bill, I am, because of the point of order raised by the member for Narrogin before the Bill went into Committee, prepared to direct the Attorney-General to withdraw the measure.

I feel that the motion by the Attorney-General will completely overcome the problem, especially as it has been suggested that another Bill will be introduced to include any clause missing from this Bill.

Mr. O'NEIL: I presume I am in order in saying, Mr. Speaker, that we, on this side of the House, appreciate the study you have made of this rather difficult problem. We do not wish to make it in any way difficult for the Government, and we therefore raise no objection to the procedure proposed by the Attorney-General to enable this Bill to remain alive.

Question put and passed.

In Committee

Resumed from the 11th April. The Deputy Chairman of Committees (Mr. A. R. Tonkin) in the Chair; Mr. T. D. Evans (Attorney-General) in charge of the Bill.

Progress was reported on clause 1.

Clause 1: Short title and interpretation—

Mr. MENSAROS: Although I do not desire to move an amendment to this clause, I would like to rise on various clauses, because the Attorney-General, having expected another member to speak in the second reading debate, was not in a position to reply to my remarks. Therefore, I use this opportunity to ask him certain questions clause by clause.

On clause 1 my query is whether the Attorney-General has considered the change of title at the beginning of the schedules which appear on pages 7 to 33 of the reprinted Act, because all these titles apply to the relative sections if they are amended as proposed in the Bill. I can cite two examples. If section 183 in the schedule is amended it will read, "indecently deals with a child under the age of 14 years," instead of using the word "boy," and the same applies to section 403 where the word "crime" in the second line will be altered to read "offence," so that it will read, "Any person who breaks and enters any building whatever and commits an offence therein . . ."

I do not want to be accused once again of being too pedantic, but the Attorney-General and his advisers followed a similar course with the Child Welfare Act Amendment Bill where, in fact, they changed the schedules to apply to the amended sections. So I think this request of mine is quite in order and I wonder whether the Attorney-General has considered it.

Mr. T. D. EVANS: With your indulgence, Mr. Deputy Chairman, I thank members of the Committee for their tolerance and patience while sitting as members of the Committee of the Whole House to enable the Bill to proceed to this stage. In regard to the point raised by the member for Floreat, I am advised that although one practice was adopted in respect of the

Child Welfare Act Amendment Bill and this practice was not adopted in respect of this Bill, the reason was that there are so many amendments on this occasion and therefore they can, in fact, be done by the Clerks or by the draftsman when a reprint of the Bill is made. By nature, they are not required to be done by the Legislature.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Amendment to section 1—

Mr. COOK: The member for Boulder-Dundas is unavoidably absent this evening, so I propose to move the amendment standing in his name on the notice paper. I move an amendment—

> Page 2—Insert after line 13 the following:—
>
> (a) by adding after the interpretation "having in possession" an interpretation as follows—
>
> The term "indictable offence" means an offence a complaint of which is, unless otherwise expressly stated by the Code, triable only by jury; .

The amendments proposed by the member for Boulder-Dundas have appeared on the notice paper for some time so I feel quite certain the Attorney-General has formed an opinion in regard to them.

Mr. MENSAROS: This is a commendable amendment. In fact, when I studied the amending Bill and the Act I was looking for a definition such as this, and I regret there is not more liaison between we on this side and those on the other side of the Chamber, because I could have used the advice of the member for Boulder-Dundas when I was preparing for this fairly lengthy amendment. I therefore indicate my support of it.

Mr. T. D. EVANS: The member for Boulder-Dundas was good enough to give me prior notice of his intention to move this amendment. As he indicates, there is a definition of the term "indictment" but no definition of the expression "indictable offence." What amounts to an indictable offence is indirectly defined in section 3 as follows:—

> Crimes and misdemeanours are indictable offences . . .

That is to say, offenders cannot, unless otherwise expressly stated, be prosecuted or convicted except upon indictment, which brings us back again to the word "indictment."

For the sake of clarity I think the definition of the term "indictable offence" should be clearly expressed, so I welcome the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4: Amendment to section 3—

Mr. COOK: On behalf of the member for Boulder-Dundas, I move an amendment—

> Page 2, lines 24 to 35—Delete all words after the word "amended" down to and including the word "justices" with a view to substituting other words.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): I wish to point out to the Committee that this amendment is not the same as that appearing on the notice paper.

Mr. T. D. EVANS: It is noted, as you obviously have, Mr. Deputy Chairman, that the amendment appearing on the notice paper differs from that moved by the member for Albany on behalf of the member for Boulder-Dundas. It would appear that the procedure adopted by the member for Albany will no doubt give proper effect to what the member for Boulder-Dundas desires. The rationale of the amendment is in keeping with the spirit of the amendments which are to follow, therefore I feel that the amendment which has been foreshadowed should be agreed to by the Committee.

Mr. MENSAROS: Could I ask the Attorney-General what is the purpose of the member for Boulder-Dundas in leaving out the words "in some circumstances" in paragraph (b) of his amendment?

Mr. T. D. EVANS: As far as I can read into the intent of the member for Boulder-Dundas, "some circumstances," as appearing in clause 4, as printed, in the mind of the draftsman no doubt relates to this express provision in the Criminal Code where a person may be tried summarily, and to a trained legal person the same meaning could be conveyed. However, a layman, having no recourse to the Criminal Code, may well wonder what the circumstances are. Whilst we, as a Legislature, impose an obligation on persons to know the law so far as we preclude ignorance of the law as an excuse, there is an obligation upon us to make the law as accessible as possible, and also as comprehensible as possible to every citizen. I think the intent of the member for Boulder-Dundas was purely and simply to delete those words so that to the mind of the layman the express provisions of the Code would in fact refer to the circumstances the draftsman had in mind.

Amendment put and passed.

Mr. COOK: I move an amendment—

> Page 2, line 24—Insert after the word "amended" the following:—
>
> (a) by deleting all words in the second paragraph after the word "offences" at the end of line 1 of that paragraph; and

(b) by adding after the second paragraph a third paragraph as follows—

> Where for any indictable offence offenders may be punished summarily any Court of Petty Sessions before which a person charged with the offence or which deals with the charge or examines the person charged, or commits him for trial shall be constituted by a magistrate alone, or if there is no magistrate available and the person consents, by two justices.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 5 to 8 put and passed.

Clause 9: Repeal and re-enactment of section 277—

Mr. MENSAROS: This clause virtually creates a new offence—unlawful homicide in connection with a motor vehicle. During the second reading debate I raised a question and I wonder whether the Attorney-General would be good enough to comment on this. Would it be necessary to define the motor vehicle or the vehicle in view of the fact that under the definitions "aircraft" is defined in the Criminal Code? The second query I raised was: Should not, perhaps—I am not positive about this and I raise it only as a query—other apparatus be included in this new type of offence? For instance, I can envisage that as a result of the careless use of a crane or any other scaffolding device, unlawful homicide could be committed.

Mr. T. D. EVANS: The only reply I can give to the member for Floreat is to draw his attention to section 291A of the Code, the marginal note of which reads, "Reckless or dangerous driving." Part of the provision reads—

> Any person who has in his charge or under his control any vehicle and fails to use reasonable care and take reasonable precautions in the use and management of such vehicle whereby death is caused to another person is guilty of a crime and liable to imprisonment with hard labour for five years.

In that first subsection of section 291A the word "vehicle" has been used twice. This provision is almost 30 years old and I am advised that the reference to the word "vehicle" without specific definition in the Criminal Code itself has not created any difficulty by way of construction. So we are not making any great departure from practice by using the word "vehicle" undefined in another section of the Criminal Code.

Obviously, whatever meaning the judges have given the word "vehicle" in section 291, will be given under new section 277. That is the only explanation I can offer.

Clause put and passed.

Clauses 10 to 13 put and passed.

Clause 14 deleted by instruction.

Clause 15 put and passed.

Clause 16: Amendment to chapter XXXI—

Mr. MENSAROS: Under this clause, it is proposed to leave it to the accused's election whether or not he be tried summarily for his misdemeanour of assault occasioning bodily harm. Under section 317 of the Code the penalty for this offence is imprisonment with hard labour for three years. However, under this clause it is intended that the maximum penalty for this misdemeanour, if the case is dealt with summarily, which is on the election of the accused, as I said, should be only six months' imprisonment or a fine of $500. The Opposition maintains this is not what society desires today. It does not want penalties for such an offence to be lightened or decreased. The reason for the Opposition's contention is that the number of offences of this kind is increasing.

I have tried to establish this fact by asking various questions, but unfortunately I have had to make quite a few tries in order to arrive somewhere. The answers originally were all qualified in that the information was not available or that the information for the period in question had not been registered.

Finally, when I asked whether any statistical information was available to indicate whether the number of these offences had increased, decreased, or remained static, the Attorney-General, no doubt acting on advice, replied to the effect that the number of complaints and convictions over the last 20 years had increased proportionately to the increase in population. Without taking any personal exception to the Attorney-General, I say this type of answer, if we were to follow the customs in the Parliament of Westminster, would cause the Minister to resign, because the answer is simply not true.

I say this because subsequently the Attorney-General supplied figures relating to the increase in the number of these and breaking and entering offences, which revealed an increase of 360 per cent. from 1964 to 1967, whereas the population increase during this period was only 65½ per cent.

In this connection I would merely remark that perhaps Ministers might check a little more the replies supplied to them. The Minister for Labour was compelled today to apologise for an incorrect answer he gave me four or five sitting days ago. Only the other day the Premier also had to apologise for incorrect figures he gave. It is not fitting for Parliament to have incorrect figures supplied when the questions are asked in advance.

However, I do not think we need to refer to statistics in this case. No member of this Committee would state that the number of offences of assault has decreased, and that we can now sleep quietly knowing nothing will happen to us, and that therefore we can afford to pass this amendment which decreases the maximum penalty from three years' imprisonment to six months' imprisonment or, alternatively, a $500 fine. In other words, the offenders could get away with $500 maximum or even less.

Without statistics I draw attention to only a very few of the very recent newspaper reports on the subject. On the 21st April in *The West Australian* the heading of an article was "Judge: Violence in crime increasing," and the judge concerned was Mr. Justice Hale. Then, only a few days later three policemen were attacked in the city overnight. These are offences which are being committed all the time. The Minister for Police would verify that it has been necessary to reinforce the police patrols in the city, especially at night.

Therefore, I have no doubt that we cannot deal with this offence in this way. On the contrary, if anything we should increase the penalty. For this reason I intend to move the amendment in my name which would leave the *status quo* and offences would have to be dealt with by a court and jury, and the punishment would remain at three years.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The honourable member can vote against the clause, but he cannot move for its deletion.

Mr. O'CONNOR: I agree with the comments of the member for Floreat. We have been trying to be particularly cooperative on this Bill, and, considering the nature of it, this is essential. However, the contention of the member for Floreat is certainly not unreasonable. The offence involved is assault occasioning bodily harm, which is a charge of an extremely serious nature. As the member for Floreat pointed out, crime has undoubtedly increased in this State over recent years and, unfortunately, it has been a fairly steep increase. We have a duty to protect the public, and certainly to protect the police. As the Minister knows, many policemen have been attacked, and fairly violently on occasions, with, in some cases, little or no reason. Therefore, I believe it is reasonable we should vote against the clause, in the interests of the people who do the right thing in this State. I certainly hope the Minister, who is also a reasonable type of individual, will go along with the suggestion.

Mr. T. D. EVANS: First of all, I believe we should be a little less emotive in some of the expressions we use and, indeed, we should be quite precise and accurate.

Under the Criminal Code offences are divided into three categories. First of all we do have crimes. These are the most serious of all offences. The least serious of the three are known as simple offences, and the intermediary type of offence is classified as a misdemeanour.

Clause 16 refers to new section 342A and refers to the offence found in section 317 of the Code. This section deals with unlawful assault causing bodily harm, and such offence is referred to as a misdemeanour, the penalty for which is imprisonment with hard labour for three years.

Under this clause it is intended that with a person charged with such an offence referred to in section 317—and the offence will still remain in the Code—the court may, having regard for the nature and particulars of the offence and the particulars and circumstances relating to the charge as the court may require from the prosecutor, indicate that it considers the charge could be adequately dealt with summarily. In those circumstances a charge may be dealt with summarily at the election of the accused and the accused then is liable, on summary conviction, to the particular punishment prescribed; that is, imprisonment for six months with hard labour or a $500 fine.

Mr. O'Connor: Did we say anything different from that?

Mr. T. D. EVANS: Just a moment. I will answer that point if I can anticipate it, but I would like to conclude what I was saying. The rationale behind most of the amendments to the Criminal Code is to give effect to the principle that justice should be meted out in a reasonable time and also be effectively rendered for the benefit of an individual or, if an individual is to be punished, then obviously for the benefit of the community.

These amendments are intended to expedite the execution of justice. If the court, under section 317, decides that the offence is so grave it should not be tried summarily, then the offender may be referred to the criminal court and not dealt with summarily at all. We are not trying to replace section 317. We are offering an alternative to which the court may have recourse when it believes, having been possessed of all the circumstances to which the new section relates—and only then—that the lesser penalty would be sufficient. I can see no objection to this and I ask the Committee to vote for the retention of the clause.

Mr. MENSAROS: I can see the point of the Attorney-General and I did not overlook it, because, if he reads the comments I made during the second reading debate, he will see that I emphasised, as he did, that indeed the court has some say before the accused is tried summarily.

However, whereas the Attorney-General placed the emphasis on this, and correctly mentioned, but almost in brackets, that the case can be tried summarily at the election of the accused, I, on the other hand, placed the first contention in brackets and emphasised that it is at the election of the accused.

Mr. T. D. EVANS: I think both provisions are important—the courts must be satisfied and then the accused may elect to be dealt with summarily.

Mr. MENSAROS: I quite agree with the intention to speed up justice. Nevertheless, because of this intention we provide the possibility—and I say even if it is only a possibility—that someone committing this offence could get away with a lighter penalty. He knows this in advance. We must not kid ourselves that these criminals do not know the law. I have had experience of them to prove otherwise. Consequently if we provide the opportunity or possibility that he could, by the devise of being tried summarily, get away with a lower penalty, we encourage this type of offence which should be discouraged.

The Attorney-General mentioned a working paper which the Law Reform Committee, in conjunction with some other people, prepared. I obtained a copy of the paper on the afternoon of the day on which the debate took place and I have had an opportunity to study it since then.

It is curious that most of the provisions in this Bill are included as suggestions in the working paper. However, the provisions relating to clauses 16 and 19 are not included so there seems to be some necessity for an explanation. Would the Attorney-General be kind enough to explain to us why he accepted some of the recommendations contained in the working paper, and why he did not include others?

The effect of this amendment could possibly mean that a criminal could get away with a $500 or less fine instead of a three-year sentence. Admittedly, the procedure will be less cumbersome but I do not think the courts are so overloaded that this is necessary.

Mr. O'CONNOR: I was a little surprised when the Attorney-General said that we should watch the accuracy of our statements. I could go on for several hours on that subject.

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The honourable member will not be able to go on for some hours; he will be restricted to 10 minutes.

Mr. T. D. Evans: The honourable member is referring to crime whereas the relevant offence was a misdemeanour. The reference to criminals is somewhat emotive and does not apply to a person who has committed a misdemeanour.

Mr. O'CONNOR: I think the suggestion put forward by the member for Floreat is reasonable. This clause could cover a rather serious misdemeanour. A person could be assaulted and carry a scar for the rest of his life, or be badly injured and suffer for a considerable period of time, but the one who committed the offence could come into the category covered by the clause. I hope the Minister will support the amendment.

Mr. T. D. EVANS: I have to reaffirm my view that the clause should be retained and I refer members to section 317 of the Criminal Code which refers to this offence as being a misdemeanour, and if the offender is convicted he is liable to imprisonment with hard labour for three years. That does not necessarily mean that every time a person is charged with this offence, and convicted by a criminal court, he will have imposed on him the sentence of three years. That, indeed, is a maximum penalty. It could well be that the offender would receive one month's imprisonment, a monetary fine, or be placed on probation.

Mr. O'Connor: That applies to almost every Act.

Mr. T. D. EVANS: We are not removing the provision, which will remain in the Criminal Code. We are writing an alternative whereby the court will be presided over by a trained stipendiary magistrate. When that court becomes aware of the facts of the case it can decide whether or not the case can be dealt with. I would be surprised if such a court did not commit to a criminal court the type of person mentioned by the member for Floreat. I ask the Committee to vote to retain the clause.

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

Ayes—19

Mr. Bertram	Mr. Jamieson
Mr. Bickerton	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. May
Mr. Bryce	Mr. Moiler
Mr. Burke	Mr. Norton
Mr. Cook	Mr. Sewell
Mr. H. D. Evans	Mr. Taylor
Mr. T. D. Evans	Mr. Harman
Mr. Graham	*(Teller)*

Noes—19

Mr. Blaikie	Mr. Reid
Dr. Dadour	Mr. Runciman
Mr. Hutchinson	Mr. Rushton
Mr. Lewis	Mr. Stephens
Mr. W. A. Manning	Mr. Thompson
Mr. McPharlin	Mr. Williams
Mr. Mensaros	Mr. R. L. Young
Mr. Nalder	Mr. W. G. Young
Mr. O'Connor	Mr. I. W. Manning
Mr. O'Neil	*(Teller)*

Pairs

Ayes	Noes
Mr. McIver	Mr. Gayfer
Mr. Bateman	Mr. Ridge
Mr. Davies	Mr. Court
Mr. Hartrey	Sir David Brand
Mr. J. T. Tonkin	Mr. Grayden
Mr. Fletcher	Mr. Coyne

The DEPUTY CHAIRMAN (Mr. A. R. Tonkin): The voting being equal I give my casting vote with the Ayes.

Clause thus passed.

Clauses 17 and 18 put and passed.

Clause 19: Amendment to chapter XXXIX—

Mr. T. D. EVANS: In order to correct a drafting error, I move an amendment—

> Page 7, line 10—Delete the word "he" and substitute the words "the Court".

Amendment put and passed.

Mr. T. D. EVANS: I move an amendment—

> Page 7, line 11—Insert after the word "and" the passage ", considers that the charge can be adequately dealt with summarily".

Amendment put and passed.

Mr. MENSAROS: I rise to speak for the same purpose as I did in connection with clause 16. If we use some of the arguments raised by the Attorney-General, and relate them to this clause, they will emphasise the need for its deletion. The explanation given in relation to dealing with a misdemeanour summarily was in connection with assault, where the maximum penalty was three years. We now intend to substitute a maximum penalty of six months for what was previously a maximum penalty of 14 years. Even though the Attorney-General said that the penalties mentioned are maximum, surely there is a lack of proportion in the reduction from 14 years to six months.

My house was broken into three times by the same person, and if that person receives a maximum penalty of six months I think we tend to encourage this type of misdemeanour or offence. As I pointed out, the Criminal Code expresses what society needs. It expresses what society wants and needs. We are now proposing to legislate, by whatever means, in effect to lessen penalties for offences which are undoubtedly increasing.

It has been said the offences have increased in proportion to the increase in the population. But I ask the Committee to listen to these figures for breaking and entering. In 1964 there were 2,888 complaints; in 1965, 3,028 complaints; in 1966, 3,510 complaints; in 1967, 4,799 complaints; and in 1970, 8,042 complaints. The number of complaints in 1970 represented an increase of 360 per cent. on the number of complaints in 1964. According to the statistics, between 1963 and 1971 the population increased by 65½ per cent., in comparison with an increase of 360 per cent. between 1964 and 1970 in the number of crimes or offences punishable with imprisonment for a maximum of 14 years and seven years respectively.

We do not necessarily need statistics. Everyone knows that 15 years ago breaking and entering offences were rare, whereas nowadays they are quite common occurrences. This should not be encouraged. I do not think society wants it. Therefore, as representatives of society, this Committee should not agree to it.

I referred to the working paper. The Attorney-General did not mention it. I now repeat what I said before—that the working paper did not contain a recommendation to extend summary jurisdiction to this type of offence. Yet the Attorney-General proudly said he had accepted the recommendations contained in the working paper. The committee obviously put a great deal of work into its paper and in fact it pointed out that in some countries increased penalties were recommended for these offences.

I think these matters are sufficiently important to be placed on record. I remark here that I did not raise any objection to the amendment because I pointed out that the wording of the clause needed amendment. However, if the Attorney-General, for some reason best known to himself, wants to be obstinate and adhere to this clause, I want it to be placed on record, so that the people will know, that the Opposition does not agree to it. We know the incidence of this type of crime has increased.

I do not accept the argument that the magistrate can refer matters to the courts. That would bring us down to the old principle that we legislate for something and then we do not want to use the legislation. In that case, why legislate? It is absolutely unwarranted.

Mr. T. D. EVANS: I advance again the reasons I previously advanced for the retention of clause 16, but I reinforce the argument on this occasion by pointing out that in reading the clause the member for Floreat failed to mention the salient features and the protective, qualifying provisions written into the proposed new section 407A, which reads—

> Where a person is charged before a Court of Petty Sessions—

In most instances this will mean before a stipendiary magistrate. The proposed section continues—

> —with an offence under section four hundred and three, four hundred and four, or four hundred and seven of this Code and the Court, having regard to the nature and particulars of the offence and to such particulars of the circumstances relating to the charge as he may require from the prosecutor and—
>
> (a) in the case of an offence against property, under section four hundred and three, the value of the property does not exceed five hundred dollars; and

(b) in the case of an offence under section four hundred and three or section four hundred and four, there is no allegation that the person used or offered violence to another person or used a firearm, dagger, cosh, any other offensive weapon, or any explosive to facilitiate the commission of the offence, .

If the court is satisfied that the charge may be dealt with adequately, the court may proceed, again on the election of the accused, to deal with the accused in this manner as an alternative to the existing provisions of the Code which will remain available for cases where the offence concerns property exceeding $500 in value or where the offender has used an offensive weapon. In such cases the jurisdiction of the court at a summary level will not exist; and even where it does exist, if the court is not satisfied that it can deal with the matter adequately it still has the right to refer that person for trial at the Supreme Court level.

For those reasons, I ask the Committee to vote for the retention of the clause as printed.

Mr. O'CONNOR: I think the Minister has just killed his previous story. He explained some detail of this clause, which members have no doubt read. In clause 16 we were dealing with assault causing bodily harm. The Minister has gone on to indicate that in the proposed new section 407A there is a restriction in the words "there is no allegation that the person used or offered violence to another person" or anything of that nature.

Mr. T. D. Evans: This spells out the jurisdiction of the court of summary jurisdiction.

Mr. O'CONNOR: But this restriction did not apply in clause 16. The Minister let that go through.

Mr. T. D. Evans: It did not apply because the maximum penalty in the Code was only three years. We are now dealing with section 404, which contains a penalty of 14 years and there is no restriction on the value of the property. To bring the jurisdiction of the court at summary level into being, the value of the property must not exceed $500.

Mr. O'CONNOR: I realise that. To come before a court of summary jurisdiction, no violence should have occurred; yet in the previous case, where violence has occurred, the Minister is prepared to let it go through. He obviously has the numbers to carry this amendment, if he wishes, but I think this is a serious type of offence and if the Minister is not prepared to agree to the deletion of this clause he might be prepared to delete the words "six months" and "a fine of five hundred dollars," and increase those penalties.

Mr. MENSAROS: I mentioned this possibility before but I realise it is so unorthodox that it would not be accepted under the present circumstances. I rise again to say I did not overlook the circumstances which qualify the offence, as compared with the original sections. I still feel that a seasoned criminal might deliberately steal property under the value of $500 in order to come under the provisions of this clause in the event that he is charged with the offence. These cases are occurring increasingly. For the third time I ask the Attorney-General to explain why he proposes this provision, despite the fact that it is not included in the recommendations contained in the working paper.

Mr. T. D. EVANS: Having regard for its task of proposing legislation, any Government will cast its net in many waters. On this occasion, the Government had regard for the recommendations of the Criminal Law Committee. No Government is bound to endorse or adopt any or all of the recommendations of any one body. On this occasion, regard was had for the report of the committee. If the member for Floreat were to make a thorough examination, he would find the Government did not adopt all the recommendations that were made and it included some that were not contained in the report; but, by and large, this Bill was recommended by the Law Reform Committee.

Clause, as amended, put and passed.

Clauses 20 to 29 put and passed.

Clause 30: Amendment to section 574—

Mr. T. D. EVANS: I move an amendment—

Page 13, line 36—Delete the words "hear his defence and then deal with" and insert in lieu the word "determine".

Mr. MENSAROS: This amendment is quite acceptable. In fact, it possibly emanated from the fact that the member for Boulder-Dundas suggested a similar amendment in connection with the Child Welfare Act. I think it makes the reading of the clause more understandable.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 31 to 37 put and passed.

Title—

Mr. T. D. EVANS: I move an amendment—

Delete from the Title the figures "485" and insert in lieu the figures "486".

Amendment put and passed.

Title, as amended, put and passed.

Report

Bill reported, with amendments, and an amendment to the title, and the report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Hutchinson, read a first time.

CONSTRUCTION SAFETY BILL

Returned

Bill returned from the Council with an amendment.

MINING BILL

Availability of Mines Department Officers

The SPEAKER (Mr. Norton): The Minister for Mines has asked me to remind members that two of his departmental officers will be available again tomorrow at 2.15 p.m. in the Ministers' writing room.

GAS STANDARDS BILL

Second Reading

Debate resumed from the 27th April.

MR. NALDER (Katanning) [10.33 p.m.]: The Minister for Electricity, when introducing this legislation recently, indicated that he was introducing something completely new. The reason for this is understandable; the present Act, which is to be repealed, deals with town gas—the type of gas which was manufactured when the Act was introduced in 1947.

The present Act is administered by the State Electricity Commission, and the Minister has certain overriding responsibilities. I take it from the remarks of the Minister that the same situation will apply in respect of this legislation; that is, no action may be taken in regard to a number of issues unless the authority—or, in this particular case, the undertaker—has previously obtained the Minister's approval. Under this Bill the State Electricity Commission is charged with the responsibility of testing the purity of the gas, the pressure at which it is supplied, and its heating value. I think the Minister might have indicated to the House how it is intended that this should be carried out.

I am not sure whether this is good legislation in that respect, because the Minister must ask some organisation to inform him. The organisation which informs him is the State Electricity Commission, and it is also an undertaker. The commission purchases gas and distributes it to the consumer; yet it is the authority from which the Minister will seek information. So I am inclined to think that consideration should have been given to naming the S.E.C. as the authority so that it is not included within the terms of this legislation.

It is stated in clause 8 that if the authority or the undertaker does not do what it is supposed to do it may be fined $500. Who is going to fine the State Electricity Commission $500 if it does not do what it is supposed to do? So it looks to me as though the S.E.C. is to be the judge and jury; the beginning and the end. That would mean that the legislation has been introduced only to enable the S.E.C. to control the Fremantle Gas and Coke Company because that company is the only other undertaker. It seems to me that much of the information involved in this matter would be quite unnecessary if the Minister had stated that the S.E.C. is to be the authority which will advise him on all aspects of this situation.

I feel it would have been of some value to the consumers of natural gas had the Minister been able to give them the satisfaction of knowing that the undertaker—in this case the S.E.C.—will carry out its responsibilities with the greatest care.

I have made some inquiries in an endeavour to find out exactly how this system will operate. Mr. Speaker, in order that I may tell the story correctly it may be necessary for me to refer to another Bill which is associated with this measure. First of all, the pipeline authority which is mentioned in the other Bill is responsible for gathering the gas from different points and piping it to a point at which the S.E.C. takes over. The gas, of course, must be regulated, and it must be of a standard which is accepted as being fair and reasonable.

I would point out that at some stage or other it might be advisable for the Minister to invite members to see how this is done. I think that would be an interesting exercise.

The gas from the pipeline is metered and tested at a certain point. I understand that possibly this is carried out at Caversham, at which point the authority hands over the gas to the undertaker to be distributed. I am not in a position to relate to the House the full details of what happens at that stage, because I sought only the overall picture. However, the pressure of the gas is reduced and the heating value is tested in an operation which, I understand, has been accepted by the pipeline authority. This testing is conducted 24 hours a day. The testing is carried on continuously. I understand this is not done by visual inspections; it is done automatically.

Complaints have been made, and in every case the S.E.C. inspected the apparatus and determined what was the pressure of the gas at the particular time. After all the inspections and tests have been carried out the gas is distributed to the householder.

Here again other types of mechanisms are introduced to ensure that a safe pressure of gas is maintained, before it is passed on to the consumer for use in the various types of appliances.

I take it that the S.E.C. has covered everything to ensure that safety is maintained; and I am sure the consumer can rest satisfied that every precaution is taken in respect of safety and in providing him with the right type of gas with the correct heating value and pressure. The S.E.C., which is the undertaker, accepts the responsibility of ensuring that the consumer is supplied with the product as laid down in the regulations.

I do not think it is necessary for me to comment further on the measure. The Minister has dealt with the various clauses. I believe it would have clarified the situation had the Minister taken the S.E.C. outside the scope of this legislation, because it is the authority which advises him. From time to time the Minister has to seek advice of the commission, to ensure that all the provisions in the Act are complied with. When it is desirable to promulgate regulations it becomes the responsibility of the Minister to do that.

It is necessay for the Bill to be passed. I support it because it is a milestone in the undertakings of the S.E.C. History was made when the Minister, on behalf of the Government, was the first to receive the gas at the end of the pipeline at Caversham. A new type of gas is being introduced to consumers in the metropolitan area. Possibly it will be the means of bringing about a reduction in the price of household fuel. I hope that other costs will not catch up with the cost of natural gas so that the public will benefit from the important find of natural gas in this State. I support the legislation.

MR. MAY (Clontarf—Minister for Electricity) [10.45 p.m.]: The point was well taken by the Leader of the Country Party in connection with the State Electricity Commission being the undertaker. That is provided for in the Bill. Some moves are in train for the establishment of a fuel and energy commission in Western Australia, and no doubt the point raised by the honourable member will be given every consideration when this matter is determined.

If we turn to clause 3 we find that an undertaker or pipeline licensee shall not commence to supply gas to a consumer's installation unless that installation meets the prescribed requirements. This is the essential part of the legislation.

When the calorific value of gas goes up from approximately 500 to 1,030 B.t.u. it is obvious that every precaution should be taken to ensure that the equipment and gear to be used are tested thoroughly, so that not only the purity of the gas but also the safety features are taken care of.

Of late some publicity has been given to people who have sustained accidents through the use of gas, but it was not always a case of the equipment or the actions of the S.E.C. which caused those accidents.

Regarding the Caversham area, I will make a request to the S.E.C. to give consideration to allowing members of Parliament to inspect the installations there. These are very comprehensive installations. I will certainly contact the S.E.C. to see whether such a visit can be arranged.

This is a very necessary piece of legislation, because of the advent of natural gas to replace town gas. I feel it will do much to assist the S.E.C. in carrying out its task of an undertaker in the distribution of natural gas.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

GAS UNDERTAKINGS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th April.

MR. NALDER (Katanning) [10.50 p.m.]: This Bill is to enable the sellers of natural gas to carry out their obligations under their proposed contract. The parent Act was passed in 1947 by the Parliament of the day to regulate the operations of gas undertakers who were selling to ordinary consumers.

I remarked earlier on that the gas distributed in 1947 was of a type different from the gas to which we are referring in this Bill. The only undertaker affected was the Fremantle Gas and Coke Co. Ltd. which operates under its franchise to supply gas to consumers within a radius of five miles of the Fremantle Town Hall.

The Act at present places a limited control on the company's dividends and resources. This was possibly decided because the company has the monopoly. When negotiations were under way between the State Electricity Commission and the suppliers of natural gas it was realised that the restriction of this Act was not intended to apply to companies which explored for natural gas, and the Minister mentioned the fact that the Minister at the time indicated to the company—WANG, I presume it was— that the Government would be prepared to legislate to allow it to opt out of the responsibility under the Act. I recall only too well writing to the managing director of Gas Sales, West Australian Petroleum Pty. Ltd., indicating that the Government

would support the introduction of legislation to enable sellers to fulfil their obligations, and so the Minister has merely kept a promise made on the 9th December, 1970.

In this case the producer, as I indicated when speaking on the previous Bill, is the gatherer of gas and he will not be selling gas to the smaller consumers who are protected under this Act. As indicated by the Minister, this Bill proposes an additional amendment to give the Minister for Electricity authority to declare that the provisions of the Act do not apply to a gas undertaker who is the holder of a pipeline license under the Petroleum Pipelines Act of 1969.

I should remind the House that any company which uses in excess of 10,000 tons of fuel oil per annum does not deal with the undertaker in connection with the points raised under the other legislation. He deals with the pipeline operator who, of course, has a license under the Petroleum Pipelines Act.

Although I do not have a map to indicate the route which the pipeline follows, it traverses a route on the northern side of the metropolitan area and goes down through to the industrial area at Kwinana where it is used by big industry, and then proceeds to Pinjarra. The point I am trying to make is that under the Petroleum Pipelines Act the company can sell direct to big industry.

This Bill is intended to allow the Minister to exempt those who have this license from the provisions of the Act. In other words, to make the story quite clear, the undertaker sells to the small consumer. The pipeline authority, or the owners in this case—we have several under different names, but I think WANG owns the pipeline from Dongara through to Cavershan and then through to Pinjarra—with authority from the Minister, can opt out of the provisions of this Act. So everything links up to allow the situation which has been outlined to apply. Therefore, I have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

House adjourned at 10.58 p.m.

Legislative Council

Wednesday, the 3rd May, 1972

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.19 p.m.]: I seek the permission of the House to deal with questions on notice later in the sitting, because I have not the replies available at this stage. The replies will be available later than usual, due to the fact that the other House will not be sitting until 4.30 p.m.

The PRESIDENT: Permission granted.

GREYHOUND RACING CONTROL BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), and read a first time.

Second Reading

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [2.21 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to legalise the sport of greyhound racing in this State. At the present time Western Australia is the only State in the Commonwealth which does not allow greyhounds to be raced.

In the Bill, greyhound racing means racing between dogs in pursuit of an artificial lure. This sport was outlawed in 1927 when the Racing Restrictions Act came into operation. This Act made it unlawful for the use of any mechanical device or contrivance for the promotion of or in connection with racing by or between animals other than horses, at or in any place to which the public is admitted on payment or otherwise.

The Bill is divided into five parts and only seeks to allow for the establishment of the sport. No provision is made in the Bill for betting as it was felt that should Parliament approve the present measure a considerable amount of work will have to be done before the Government can move to provide for betting facilities, either by bookmakers or on the totalisator.

Members of Parliament will appreciate that a number of consequential amendments will be necessary to other Acts should this present Bill meet with the approval of Parliament, but beyond the introduction of the Bill to amend the Dog Act, 1903-1967, and the Prevention of Cruelty to Animals Act, 1920-1970, it is