All in all, proposals which we regard as being a more satisfactory alternative have been put forward. I say they are more satisfactory, because the Minister has indicated that very many of the things which the Liberal Party has proposed are now the subject of consideration and contemplation by the Government. I refer to matters such as the restructuring of the Police Department, the creation of a ministry of road safety, and the establishment of some sort of organisation for licensing and registration of vehicles. Presumably these are steps which will fragment police control, but they will bring about a new organisation. What I am saying is that rather than see the possibility of benefits being lost in a situation like this, the Minister will be well advised to contemplate a little more seriously the alternative proposal that has been put forward during this debate.

Debate adjourned, on motion by The Hon. F. R. White.

BILLS (2): RECEIPT AND FIRST READING

1. Hairdressers Registration Act Amendment Bill.

   Bill received from the Assembly: and, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), read a first time.

2. Bulk Handling Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. W. F. Willesee (Leader of the House), read a first time.

House adjourned at 9.58 p.m.

Legislative Assembly

Tuesday, the 22nd August, 1972

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

BASSENDEAN No. 2 TOWN PLANNING SCHEME

Subsidy for Deep Sewerage: Removal of Petition from the Table of the House

THE SPEAKER (Mr. NORTON): I have studied a petition presented to the House by the member for Swan on Thursday, the 17th August, 1972, and I find it is not in accordance with Standing Orders.

I therefore direct that it be removed from the Table of the House.

Personal Explanation

Mr. BRADY: Have I your permission, Mr. Speaker, to make a statement?

The SPEAKER: The member for Swan seeks permission to make a statement regarding the petition. If there is a dissentient voice permission will not be granted.

As there is no dissentient voice, leave is granted.

Mr. BRADY: Mr. Speaker, late on Wednesday night last I was handed a petition signed by a number of citizens of Bassendean, and it related to the No. 2 planning scheme. On Thursday, prior to the sitting of the House, I hurriedly checked the petition. It appeared to be correctly drawn up, and I presented the petition to the House in good faith.

It now seems that the petition was contrary to Standing Orders, and I apologise to you, Sir, and the members of the Legislative Assembly for the error in submitting it.

BULK HANDLING ACT AMENDMENT BILL

Standing Orders Suspension

MR. J. T. TONKIN (Melville—Premier) [4.36 p.m.]: I move, without notice—

> That so much of the Standing Orders be suspended as is necessary to enable a Bill for "An Act to amend the Bulk Handling Act, 1967-1971 to empower the Treasurer to guarantee the repayment of moneys borrowed by Co-operative Bulk Handling Limited, and for purposes incidental thereto," to be introduced without notice and passed through all its stages in any one sitting day.

The reason for moving this motion is that the matter is one of considerable urgency. Some publicity has already been given to the fact that Co-operative Bulk Handling has raised a substantial sum of money, under Government guarantee, for the purposes of carrying out major works.

Those engaged in the negotiations have raised a point which is a legal technicality. As one has to satisfy the people who are lending the money the Government has offered to amend the Bulk Handling Act for the purpose of removing the technical difficulty.

This is not a course which I would ordinarily follow, and I am only taking this step because of the extreme urgency of the matter and so that negotiations can be completed as quickly as possible.

The SPEAKER: This motion requires an absolute majority and if there is a dissentient voice I will have to divide the House. Is there a dissentient voice? There being no dissentient voice, I declare the question carried.

Question thus passed.

Introduction and First Reading

Bill introduced, on motion by Mr. H. D. Evans (Minister for Agriculture), and read a first time.

Second Reading

MR. H. D. EVANS (Warren—Minister for Agriculture) [4.39 p.m.]: I move—

That the Bill be now read a second time.

Members will be fully aware of the arrangements recently made for the borrowing of $42,000,000 to finance the integrated Kwinana grain terminal for Co-operative Bulk Handling Limited. The borrowing has been organised on the basis of a $30,000,000 overseas bond issue by the Rural and Industries Bank for an Australian dollar-Deutsche mark borrowing through the Orion Bank Limited of London; this amount to be on-lent to Co-operative Bulk Handling Limited for the purposes of the terminal.

The balance of $12,000,000 is a borrowing within Australia by C.B.H. through the Chase-N.B.A. Group Limited. Both borrowings were made possible by the agreement of the Government to guarantee the loans.

The overseas element of $30,000,000 has been completed and the funds have been received. The Australian element now awaits completion and this Bill is presented to enable the documentation for it to be completed.

The solicitors for the lenders have raised a query as to whether Co-operative Bulk Handling Limited is fully qualified under the Industry (Advances) Act, 1947-1961. This is a fine legal point for debate and, rather than delay the borrowing whilst the point was clarified and in order to put the matter of the guarantee beyond any doubt, this Bill to amend the Bulk Handling Act and to empower the Treasury, on behalf of the Government, to guarantee borrowings by Co-operative Bulk Handling Limited is introduced. The simple insertion in the Act which is incorporated in this Bill will effectively deal with the matter for all time and will avoid any possible future difficulties.

Because subscribers have already earmarked and are holding funds for the debenture issue to be made by Co-operative Bulk Handling Limited under the borrowing arrangement, and because any undue delay could lead to these funds being diverted into other investments, it is necessary to deal with this matter quickly. The Premier has stressed the need for urgency in this matter, and I thank the House for its indulgence in allowing the matter to proceed with such expedition.

Debate adjourned until a later stage of the sitting, on motion by Mr. Nalder.

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

QUESTIONS (21): ON NOTICE

1. SHENTON PARK-COTTESLOE POWER LINE

Route

Mr. MENSAROS, to the Minister for Electricity:

(1) Would he disclose the exact route for the proposed (as reported in the Fremantle supplement of *The West Australian* 17th August, 1972) new 66,000 volt power line from Shenton Park to Cottesloe?

(2) Would he disclose the location and size of the proposed new transformer station in Strickland Street, Mount Claremont?

(3) Would he please table a plan showing the size and nature of proposed pylons and their exact positions on the new line?

Mr. MAY replied:

(1) Yes. Copy of sketch showing route is tabled.

(2) The details required are at present subject to negotiation and others have not been determined.

(3) The line will be of wood pole construction and existing modified low tension poles will be used wherever possible.

The plan was tabled (see paper No. 297).

2. EDUCATION

State School Teachers' Charter

Mr. MENSAROS, to the Minister for Education:

(1) Does he and his Government agree in totality with the requirements and conditions set out in the "W.A. State School Teachers' Charter" as amended by the 1971 conference of the W.A. Teachers union?

(2) If not, which are the parts of the charter which the Government accepts and which are the ones which it rejects?

Mr. T. D. EVANS replied:

(1) The Government believes that the "W.A. State School Teachers' Charter" sets some desirable guidelines for the future and that these can be accepted as ultimate objectives to which both parties can work.

(2) The Government is concerned at action which is contemplated if sections of the charter are not achieved within the stipulated

time. Even if the required finance can be made available, it will not be possible to achieve all of the desirable objectives in accordance with the timetable laid down.

3. COMMONWEALTH FINANCE

Payments to States

Sir CHARLES COURT, to the Premier:

(1) What payments to or for each State were made by the Commonwealth during the 12 months ended 30th June, 1972 as—

(a) loan funds (including semi-Government and local authority permitted loan raising etc.);

(b) revenue grants;

(c) special grants and loans (including amongst others such things as unemployment relief, drought relief, etc. and all other special purpose grants and loans);

(d) any other funds,

showing each type of money separately under its appropriate heading and also on a per capita basis according to each State's latest available population figure?

(2) What amount of money has the Commonwealth already agreed to pay to or for each State under each of the headings in (1) for the financial year 1972-73?

Mr. J. T. TONKIN replied:

(1) and (2) This information is contained in a paper titled "Commonwealth Payments to or for the States 1972-73", copies of which are now available from the Parliamentary Library.

4. CAPITAL PUNISHMENT

Instances

Mr. BRYCE, to the Attorney-General:

(1) On how many occasions has the death penalty been carried out in Western Australia?

(2) What was the nature of the offence committed in each case?

Mr. T. D. EVANS replied:

(1) From 1902-64 33
1964 was the last year in which an execution took place in Western Australia.

(2) Wilful murder 28
Murder 5

5. HOMOSEXUAL ACTS

Prosecutions

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

How many prosecutions have been initiated as a result of police investigations during the last ten years in connection with homosexual acts between consenting adults in private?

Mr. BICKERTON replied:

1962	....	2
1964	....	2
1969	....	2
1971	....	1
Total	....	7

6. NATURAL GAS

Consumption, and Metropolitan Users

Mr. MENSAROS, to the Minister for Electricity:

Referring to his reply to part (2) (a) to question 3 on 16th August, 1972, and as this presumably was based on misunderstanding the question, which asked for the number of subscribing consumers (then connected to town gas) for the period in part (1) (a), would he now please disclose the number of subscribing (town gas) consumers in the parts of the metropolitan area, which have since been converted to natural gas?

Mr. MAY replied:

The answer given on the 16th August, 1972, was correct. The answer to the new question is 62,491.

7. TOWN GAS

Comparison of Costs

Mr. MENSAROS, to the Minister for Electricity:

Referring to his reply to part (3) of question 2 on 16th August, 1972, would he please disclose the amount of capital charges associated with conversion estimated to be paid from the running costs of $1,803,000 for the period July to December, 1972?

Mr. MAY replied:

$165,000.

8. HOUSING PROJECT AT NAVAL BASE

Clean Air Council Attitude

Mr. RUSHTON, to the Minister for Health:

(1) Has the Clean Air Council expressed concern over the Government's intention of establishing the residential suburb at Naval Base?

(2) Will he table the council's report on this project when it is completed?

(3) Will he table reports initiated or held by any department or authority under his jurisdiction on the

rezoning of the Naval Base industrial land to residential for the purpose of establishing a new residential suburb?

Mr. DAVIES replied:

(1) to (3) The Clean Air Council submitted a report on this proposal. This is being considered in conjunction with advice from other departments. When a final decision is made, consideration can be given to tabling the report.

9. TOWN PLANNING

Kwinana Development: Carnac Corporation Pty. Ltd.

Mr. RUSHTON, to the Minister for Town Planning:

(1) Have the Metropolitan Region Planning Authority and the Town Planning Department approved the new development by Carnac Corporation Pty. Ltd. on rurally zoned land near Kwinana?

(2) If so, what are the conditions to apply to this development upon which this approval is based?

Mr. DAVIES replied:

(1) No. This is within the jurisdiction of the Shire of Kwinana.

(2) Answered by (1).

10. FREEWAYS

Plans

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

To assuage my concern as to the forward planning for the roads to have the capacity to handle the increased future vehicular traffic to and past Armadale, now that the intention of providing a direct freeway to the city from Armadale has been reversed and the Minister for Town Planning has declined in his answer to question 33 of 16th August to inform me of the future metropolitan freeway planning, will he please acquaint me of the forward planning to accommodate the projected increased vehicular traffic from the Armadale-Kelmscott Shire area and the southern and eastern highways to the years 1980, 1990 and 2000 as it applies to the highway systems?

Mr. JAMIESON replied:

There are no immediate proposals for highway improvements between Perth and Armadale other than those mentioned in my reply to question 44 of 8th August, 1972.

11. ALBANY REGIONAL HOSPITAL

Blood Bank

Dr. DADOUR, to the Minister for Health:

(1) Would he agree that the site for the new blood bank building in Albany (i.e. in front of the main entrance to the hospital on what is now a lawn and garden bed) could be an eyesore in this position and be impractical in terms of usage?

(2) Would he have the siting reappraised?

Mr. DAVIES replied:

(1) No.

(2) All factors are being reviewed.

12. HEALTH

Ord River Dam: Harmful Organisms

Mr. RIDGE, to the Minister for Health:

(1) Considering the seriousness of claims that the Ord River dam could harbour an organism that causes liver and bladder cancer, will he advise—

(a) exactly what investigation has been undertaken to determine if the fresh water snails in the dam are actually carriers of the disease known as schistosomiasis;

(b) what further investigations are to be undertaken;

(c) by whom will it be conducted;

(d) when will it commence?

(2) Of the eight recent cases of the disease which have been reported and treated in Western Australia, is it known if the people concerned had any direct association with the Ord River area?

(3) After treatment of the disease is the schistosomiasis parasite destroyed, or can it still be transmitted to a breeding ground?

(4) Pending further investigation, is it considered desirable to restrict entry to the Ord area by people who are known to have had a direct association with diseased overseas countries?

Mr. DAVIES replied:

(1) (a) to (d) Only a few species of snails are capable of harbouring the parasites concerned. None of these species has been found among a number of snails collected in the Ord area by specialists from the W.A. Museum.

A more extensive survey of snail species in the locality is desirable; and the implications of such a survey in terms of specialist personnel and finance are being examined. At this stage it is not possible to say who will conduct the survey or when it will commence.

(2) All patients concerned contracted the disease outside Australia and had no association with the Ord River area.

(3) Appropriate treatment destroys the parasite and renders the patient non-infective.

(4) While it may appear desirable, on theoretical grounds, to attempt to exclude potentially infective persons from the locality, this would be quite impracticable.

13. NON-GOVERNMENT SCHOOLS

Commonwealth Assistance: Policy Statement

Mr. HUTCHINSON, to the Treasurer:

(1) Is he aware that in May this year the Prime Minister issued a policy statement on education in which he indicated an intention to increase assistance to non-Government schools?

(2) Is he aware that one aspect of this assistance relates to the running costs of schools (quite apart from proposed capital grants) and that the proposed increase would be up to 20% of the Australian average cost of educating a child in a Government school?

(3) Is he aware that while the Commonwealth grant was not conditional on increased State assistance the Prime Minister expressed the hope that each State would move, over a short period of years, to a level of assistance equal to that to be met by the Commonwealth?

(4) In order to ensure that children and parents in Western Australia are not less fortunately placed than are those in other States where State assistance is to be increased in line with the Commonwealth offer, will he make the necessary provisions in his next budget?

(5) If not, why not?

Mr. J. T. TONKIN replied:

(1) to (3) Yes.

(4) The Commonwealth Government has been advised of our acceptance of the scheme in principle and when details have been finalised, steps will be taken to ensure that the contribution from the State is of the order required.

(5) Answered by (4).

14. COUNTRY WATER SUPPLIES

Application of Section 7

Mr. BROWN, to the Minister for Water Supplies:

(1) Has section 7 of the Agricultural Areas, Great Southern Towns and Goldfields Water Supply Act ever been utilised?

(2) If so—

(a) what areas have been applied for exemption;

(b) what areas were approved?

Mr. JAMIESON replied:

(1) No.

(2) Answered by (1).

15. TEACHERS' UNION MEMBERSHIP

Number and Eligibility

Mr. WILLIAMS, to the Minister for Education:

(1) What is the number of people employed by the Education Department who are eligible to be members of the teachers' union?

(2) What is the number of people employed by the Department who are members of the teachers' union?

Mr. T. D. EVANS replied:

(1) Since the Education Department does not assess eligibility, it is unable to supply this information.

(2) The Education Department does not maintain a register of members of the teachers' union.

16. TEACHERS' UNION MEMBERSHIP

Salary Deductions

Mr. WILLIAMS, to the Minister for Education:

(1) Of the people employed by the Education Department who are members of the teachers' union, what number have union fees deducted by the Department?

(2) What was the total amount deducted last financial year and how much commission was received by the department?

(3) For what purposes is this commission used?

Mr. T. D. EVANS replied:

(1) 7,985.

(2) Deductions—$242,323.
Commission—$6,058.

(3) The commission is credited to consolidated revenue funds.

17. FRIENDLY SOCIETIES PHARMACIES

Advertising of Oral Contraceptives

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

(1) Have investigations now been concluded with respect to the advertisement which appeared in the Fremantle supplement of *The West Australian* Thursday, 25th May, 1972, page 8, in which the friendly societies pharmacies advertised oral contraceptives?

(2) If so, what are the results of these investigations?

(3) If not, when will they be concluded?

Mr. BICKERTON replied:

(1) Yes.

(2) The persons involved have been warned.

(3) Answered by (1).

18. HOUSING

Pensioners: Rent Increase

Mr. BATEMAN, to the Minister for Housing:

In view of the Commonwealth budget announcement that single pensioners will receive a further $1.75 and married couples $2.50, will he give an assurance that pensioners living in State Housing Commission flats and homes will not have their rents raised and so lose the benefit gained?

Mr. BICKERTON replied:

The pension increases announced in the Commonwealth budget of 15th August, 1972, will not be implemented until authorising legislation is passed; the matter is currently receiving consideration.

19. KAOLIN MINING

Greenbushes District

Mr. REID, to the Minister for Mines:

(1) Further to my question of 30th March, 1972 in regard to a kaolin mining venture in the Greenbushes area by a Japanese company, has—

(a) a decision been reached regarding mining the kaolin, and, if so, by whom;

(b) an accurate assessment of quantity and quality been made in the area, and, if so, what are the results?

(2) What has caused the delays in this industry's establishment?

Mr. MAY replied:

(1) (a) No.

(b) Not to my knowledge.

(2) Negotiations are still proceeding.

I would like to add that the parties concerned in the negotiations have requested that progressive results of the negotiations remain confidential at this stage.

20. POLICE

Indictments for Abortion, Murder, and Manslaughter

Mr. BRYCE, to the Attorney-General:

(1) How many persons have been indicted on charges relating to abortion, under—

(a) section 199;

(b) section 200;

(c) section 201,

of the Criminal Code in the past 20 years?

(2) How many persons have been indicted for—

(a) murder;

(b) manslaughter,

for a combination of sections 279 (2) and section 199 of the Criminal Code in the above period?

Mr. T. D. EVANS replied:

(1) 13 persons have been indicted for attempted abortion and 7 for abortion in the last 20 years. Information is not readily available as to the particular sections of the Criminal Code under which the charges were brought.

(2) Persons have been indicted for homicides arising out of attempts to abort, but it is not possible to give the information sought without a review of each murder and manslaughter file for the last 20 years.

21. TOTALISATOR AGENCY BOARD

Payments to Racing and Trotting Clubs

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

(1) What are the total amounts paid from the Totalisator Agency Board income since its inception to—

(a) Western Australian Turf Club, including country racing clubs; and

(b) Western Australian Trotting Association, including country trotting clubs?

(2) For what main purposes are the moneys received by the W.A.T.C. and W.A.T.A. used?

Mr. BICKERTON replied:

(1) (a) $9,721,195.

(b) $6,333,700.

These figures include payments made to 16th August, 1972.

(2) The allocation of funds by the board is set out in section 28 of the Totalisator Agency Board Betting Act.

It is understood that the amounts shown in 1 (a) and (b) above have been used principally to pay stakes.

QUESTIONS (14): WITHOUT NOTICE

1. PARLIAMENT

Unicameral System: Legislation

Sir CHARLES COURT, to the Premier:

(1) When does he propose to introduce legislation for the unicameral system that he was reported to have announced on TV last night as a replacement for the present bicameral system?

(2) Will he identify reference to such a proposal in his February, 1971, policy speech?

(3) Will he advise the House of the general pattern he proposes in this legislation?

Mr. J. T. TONKIN replied:

(1) Immediately it is ready for introduction, which should be soon.

(2) Governments are not limited in legislative proposals to only those specifically mentioned in policy speeches.

(3) Yes, at the appropriate time.

2. TOWN PLANNING

Melville City Council Scheme No. 2

Mr. O'NEIL, to the Minister for Town Planning:

(1) As he has stated that it is competent and not unusual for local authorities to lodge objections to their own town planning schemes, will he give me some specific examples?

(2) As he has stated that the Minister's decision in respect of town planning schemes is not final, what avenues for objection remain open for interested persons to take action in respect of an objection overruled by the Minister?

(3) Is the entitlement to object to a specific town planning scheme open to any person?

(4) If the answer to (3) is "Yes," what factors entitle such persons to lodge objections?

(5) Did either or both Messrs. Sharrett and Robertson, owners of lots 108 North Lake Road and 105 Cowan Street, respectively, lodge with the Minister for Town Planning objections to Melville City Council town planning scheme No. 2?

(6) Would he, as he did in the case of correspondence between the Premier, the Minister for Town Planning, and a Miss McMahon, table copies of correspondence relating to this matter between either Mr. Sharrett or Mr. Robertson or both, and the Town Planning Department, the Minister for Town Planning, the Premier, or all of them?

Mr. DAVIES replied:

I thank the Deputy Leader of the Opposition for notice of the question which, I understand, was phoned through on Friday last. The answer is—

(1) The most recent examples relate to the Shire of Belmont Town Planning Scheme No. 6—objections Nos. 55 and 56.

(2) Further representations —through the council— could be made to the Minister for Town Planning seeking a reconsideration of his decision before the final gazettal of a scheme.

(3) Yes.

(4) An objection can be lodged to any provision or lack of provision in a scheme which the objector considers to be contrary to the individual or public interest.

(5) Messrs. Robertson and Sharrett lodged objections to the scheme with the local authority through their solicitors.

(6) Copy of relevant papers are available for tabling.

The papers were tabled (see paper No. 298).

3. IMMIGRATION

Asians from Uganda

Sir CHARLES COURT, to the Premier:

(1) How many Asians under threat of deportation from Uganda does he propose Western Australia would be prepared to absorb following his statements on TV last night and on the radio this morning?

(2) Does he propose representations to the Commonwealth Government?

(3) What conditions will he impose about screening, technical, and other requirements?

(4) As Uganda's decision could also trigger off similar decisions in other African countries which

profess similar racial discrimination against Asians, does he propose also to accept a quota from these countries when they finally act to evict Asians living in their countries?

(5) Has he made any protests to the Government of Uganda about its racist policies in view of his attitude towards South Africa's apartheid policy during the time of the rugby tour?

(6) Does he not consider Uganda's action less humane than South Africa when South Africa at least allows huge numbers of Bantu and coloureds to live peacefully in South Africa without the threat of eviction?

Mr. J. T. TONKIN replied:

(1) The Western Australian Government has offered to co-operate with the Commonwealth Government should the latter decide to accede to the request of the British Government that Australia help in absorbing some of the Asians to be expelled. We are prepared to absorb a reasonable proportion of any number the Commonwealth Government may agree to take.

(2) Representations have already been made.

(3) This, as the Leader of the Opposition very well knows, is a matter for the Commonwealth Government to determine.

(4) This question seeks a solution of a hypothetical proposition.

(5) No, but I have suggested to the Prime Minister that such a course should be followed with a view to the prevention of the expulsion of Asians.

(6) According to Erskine May's *Parliamentary Practice,* questions seeking an expression of opinion are inadmissible—

Sir Charles Court: Oh!

Mr. J. T. TONKIN: —and it is believed the Leader of the Opposition would not wish to contravene established rules.

Sir Charles Court: That is plain evasion.

The SPEAKER: Order!

Sir Charles Court: It is a hypocritical answer. Why don't you come out and tell us what you really believe?

The SPEAKER: Order!

4. TEACHERS

Promotions: Preference

Mr. LEWIS, to the Minister for Education:

Will the Minister table the file or files dealing with Government policy with respect to preference for unionists in teachers' promotions?

Mr. T. D. EVANS replied:

I thank the honourable member for adequate notice of this question. As far as I have been able to ascertain there is only one file dealing with this matter. As that file contains Cabinet submissions as well as Cabinet decisions made not only during the lifetime of this Government but also during the term of the previous Brand-Nalder Government, I feel it would not be proper to table it, having regard for tradition which regards Cabinet decisions as being sacrosanct, at least until after the passage of a considerable number of years.

5. PORT OF BUSSELTON

Closure

Mr. BLAIKIE, to the Premier:

(1) Has he received telegrams from—

(a) Shire of Busselton;

(b) Busselton Branch, Waterside Workers' Federation, requesting reconsideration of the decision to close the Port of Busselton?

(2) What other Busselton organisations have communicated with him in the last two days requesting reconsideration of port closure?

(3) Since this matter is vitally urgent, will he advise what action he proposes?

Mr. J. T. TONKIN replied:

(1) (a) and (b) Yes.

(2) The member for Vasse; the Busselton and District Promotion Committee; the Busselton Chamber of Commerce.

(3) The representations have been referred to the Minister for Works for his consideration.

6. TOWN PLANNING

Swan Location 74: Rezoning of Lots

Mr. O'NEIL, to the Premier:

(1) Did his answer to question 11 (*Votes and Proceedings* No. 29 of the 2nd August, 1972) mean to imply that only one person, namely

Mr. A. A. Becu, had made representations to him relative to that part of the City of Melville's Town Planning Scheme No. 2 referred to in part (1) of that question?

(2) Do not the copies of correspondence tabled in Parliament by the Minister for Town Planning on Wednesday, the 16th August, 1972, contain, *inter alia*, and relating to this matter, copies of—

(i) a letter to him from a Miss McMahon dated the 12th August, 1971;

(ii) a letter from him to Miss McMahon dated the 17th August, 1971, together with a minute from him to the Minister for Town Planning containing these words, "if it is possible to help her it would be assistance well placed"?

(3) Could he explain what I believe to be an inconsistency in the answer given to me on the 2nd August, 1972, and the material contained in the tabled correspondence?

Mr. J. T. TONKIN replied:

(1) Yes, as that was my belief following inquiry.

(2) Yes.

(3) One needs to be an "Argus" to be able to recall details of every person who has made representations on any matter after a lapse of months. It is regretted that incomplete information was given in reply to the question on the 22nd August.

7. INDUSTRIAL DEVELOPMENT

Steel Works at Kwinana

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

(1) Will he advise the House the ratio of employees to capacity for the B.H.P. steel works at Newcastle, Whyalla, and the projected Kwinana steel works which he announced will have a capacity of 10,000,000 tons of steel with permanent jobs for about 15,000 which will sustain a population of up to 100,000?

(2) What has caused the Government to change its story from its statement *(Hansard* 9, page 1980, dated the 2nd June, 1972) two months ago—

(a) that only 4,000 or 5,000 would be employed by the steel works;

(b) that the employment potential of Kwinana has been steadily downgraded;

(c) that it is now thought that about 50,000 will be ultimately employed in the area when every acre of land is fully developed?

(3) Where would the B.H.P. Kwinana steel works be accommodated?

(4) Does the contradictory nature of the Government's statement mean that the rezoning of the Naval Base industrial land for residential purposes will now be scrapped?

Mr. GRAHAM replied:

Let me say, first of all, that I wish the honourable member would make certain of his facts in a question which makes accusations against the Government or a Minister of the Government. I say to him further that if he was capable of reading and understanding he would come to different conclusions, and consequently the nonsensical set of questions which he is asking would not have been necessary.

Sir Charles Court: He is only asking a question without notice. I think that is within his rights.

Mr. GRAHAM: The Leader of the Opposition thinks all sorts of things in which nobody is interested. He is just a chatterbox.

Sir Charles Court: If you go on like this you will denigrate the whole decorum of this House. Why do you not answer the question?

Mr. GRAHAM: I have been subjected to all sorts of unruly questions from the Leader of the Opposition. In reply to the question asked by the member for Dale—

(1) Newcastle steel works employed about 11,500 in 1971 for a capacity of 2,150,000 tons of crude steel which was converted into rolled steel products.

Whyalla steel works had a comparative employment level of 4,180 for a capacity of 1,062,000 tons of crude steel. The capacity and employment level of the projected jumbo steel works to which I recently made reference has been assessed by Broken Hill Proprietary Ltd. at 10,000,000 tons of cast steel billets requiring an employment level of 11,500.

Subsequent establishment of rolling mills would greatly increase the number of employees required.

It has been estimated that the consequential population likely to flow from such a projected steel works would be of the order of 100,000.

In case the honourable member does not understand that, this number includes the workmen and their families. In other words, the whole of the population that will be sustained.

(2) In case there is difficulty in interpreting what a Minister has stated very clearly in this House, I reply to paragraphs (a) and (c) as follows:—

If the honourable member correctly reads the report referred to, he will note that the comments by the Minister for Labour referred to the the development of the relatively smaller integrated steel works to which the company is committed under the terms of its agreement with the State and not to a jumbo steel plant directed at exports of semi-finished products.

A major export orientated steel works in the Kwinana area would have a substantially greater employment level and consequential population than the figures quoted in the June 2nd report.

(3) On and adjacent to the company's works site.

(4) No.

8. IMMIGRATION

Asians from Uganda

Sir CHARLES COURT, to the Premier:

Arising out of the answer given by the Premier to my question about the acceptance of Asians to be evicted from Uganda, if it so be this State does accept a number of these people after the relevant procedures have been followed by the Commonwealth, is it the intention of the Premier or his Government that priority will be given to those people in respect of accommodation or employment; or will they be subject to using their own means and any welfare that may be provided?

Mr. J. T. TONKIN replied:

I am unaware that with regard to migrants especially recruited in Great Britain from time to time, any special priority has been offered or given when those migrants came to Australia; but the records show they have been mostly absorbed in a satisfactory way within the time set out for their absorption.

Mr. Hutchinson: Not under this Government.

Mr. J. T. TONKIN: The honourable member does not know what he is talking about.

Sir Charles Court: You seem to be very sensitive over there. You must have had a bad party meeting.

Mr. J. T. TONKIN: The member for Cottesloe has made an inane interjection, and he must expect some sort of retort.

Mr. O'Neil: The same sort of retort!

Mr. J. T. TONKIN: If I am allowed to proceed, I say that I could quite easily have declined to answer, because it is a suppositious question.

Sir Charles Court: No it is not.

Mr. J. T. TONKIN: This depends on a decision which has not yet been made by the Commonwealth.

Sir Charles Court: Not necessarily. It is a question as to what is your policy. You are the Premier of the Government, and as such are supposed to declare its policy.

Mr. J. T. TONKIN: The Leader of the Opposition does not do himself justice if he is endeavouring to establish that whether or not migrants are to be admitted to Australia is a matter that can be decided by a State Government.

Sir Charles Court: No-one has said that. I have been saying all day that this question can only be determined by the Commonwealth.

Mr. J. T. TONKIN: So the whole situation revolves upon a decision to be made by the Commonwealth Government, and that decision has not yet been made.

Sir Charles Court: You are the ones initiating the idea of having these people here.

Mr. J. T. TONKIN: No, I am not. The Leader of the Opposition is wrong again.

Sir Charles Court: Of course, you are.

Mr. J. T. TONKIN: The Leader of the Opposition is wrong so often that he will soon have the tag "wrong again" placed on him.

Sir Charles Court: You are initiating the idea.

Mr. J. T. TONKIN: I did not initiate it at all.

The SPEAKER: Order! The Premier is answering the question.

9. TOWN PLANNING

Melville City Council Scheme No. 2

Mr. O'NEIL, to the Minister for Town Planning:

In reply to my question today as to whether or not Messrs. Sharrett and Robertson had made representations to the Minister for Town Planning relative to Melville Town Planning Scheme No. 2, he answered that the people concerned had made representations to the local authority. Am I to infer that these two gentlemen did not make representations to the Minister for Town Planning; or what is the exact answer to my question?

Mr. DAVIES replied:

I am suggesting to the Deputy Leader of the Opposition that the reply implied no such thing. Representations might have been made incorrectly to the local government authority, but they were sent on to the Town Planning Department as an objection, and they were accepted as an objection.

10. TOWN PLANNING

Melville City Council Scheme No. 2

Mr. O'NEIL, to the Minister for Town Planning:

Is it not a fact that the representations made by the solicitor acting for Messrs. Sharrett and Robertson to the Melville City Council in respect of its town planning scheme was not only in the wrong form, but too late to be considered by it?

Mr. DAVIES replied:

I am sure the Deputy Leader of the Opposition will be aware there is a pencilled note on top of the document which has been tabled, which says that this was too late. The honourable member, being astute as he sometimes is, would no doubt have picked that up.

Mr. O'Neil: I did not have that document.

Mr. DAVIES: We know who is feeding the information to the honourable member, and who is trying to do the stirring.

Mr. O'Neil: Who?

Mr. DAVIES: The same person who telephoned me the other day.

Mr. O'Neil: It is not an individual person; it is the council which is most concerned.

Mr. DAVIES: I know what the honourable member has admitted to me unofficially. I have nothing to fear. I have looked at the documents very closely, and I am quite sure my predecessor acted very properly in this matter. Having noted the pencilled note I rang the Commissioner of Town Planning, and he assured me it was quite usual in cases such as these, where the time factor is not extremely important, to admit appeals; and this one was admitted on that basis.

Mr. O'Neil: They did not approach the Minister after all.

11. PORT OF BUSSELTON

Closure

Mr. BLAIKIE, to the Minister for Works:

Following on the answer given by the Premier to my question this afternoon, as the Minister has had communication referred to him by the Premier from Busselton organisations concerned with the closure of the port will he advise what action he proposes to take?

Mr. JAMIESON replied:

The Minister is in constant touch on this subject matter with the two organisations that affect the waterside workers. The Federal organisation of the waterside workers has not contacted me again, after my telephone conversation with it yesterday. I am still quite convinced that my original intention of work being made available at Bunbury for the men concerned is quite justified.

Mr. O'Neil: They are not happy.

Mr. JAMIESON: That is the honourable member's opinion.

Mr. O'Neil: I have spoken to them, and they are not happy.

Mr. JAMIESON: That is the honourable member's opinion.

12. ABORIGINAL MISSIONS

State and Commonwealth Grants

Mr. T. D. EVANS (Minister for Education): On the 17th August I answered a question asked by the member for Kimberley of the Minister for Community Welfare. I have been advised that the information I gave in that answer

was incomplete. The following should have been included in the answer:—

> A State grant of $69,510 to the Fitzroy Crossing Mission for a boys' dormitory and kitchen renovations.

On behalf of the Minister for Community Welfare I apologise to the member for Kimberley for the omission in the answer.

13. TOWN PLANNING

Melville City Council Scheme No. 2

Mr. DAVIES (Minister for Town Planning): I wish to complete an answer to a question without notice the Deputy Leader of the Opposition asked me a short time ago. I tabled the papers as he requested, but because he seems to want to be pedantic about this I want to point out that a letter was addressed to Miss McMahon dated the 20th September, 1971, a copy of which was sent to Sharrett and Robertson. This is part of the correspondence between the Town Planning Department and Sharrett and Robertson, but was not tabled today because it was tabled last week.

14. PARLIAMENT

Unicameral System: Legislation

Sir CHARLES COURT, to the Premier:

> I wish him to clarify an answer given to a question without notice regarding his proposal for a unicameral system of Parliament. My question was—
>
> > Will he identify reference to such a proposal in his February, 1971, policy speech?
>
> He answered—
>
> > Governments are not limited in legislative proposals to only those specifically mentioned in policy speeches.

With that I do not quarrel; but, in view of the fact that the Premier can be pedantic, am I entitled to assume the real answer is that he did not include reference to this in his policy speech?

Mr. J. T. TONKIN replied:

> So far as I can recall—and one has to read every word in a document to be absolutely certain—no reference at all was made to a proposed Bill for a unicameral system of Parliament.

FUEL, ENERGY AND POWER RESOURCES BILL

Report

Report of Committee adopted.

HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

Third Reading

MR. BICKERTON (Pilbara—Minister for Housing) [5.17 p.m.]: I move—

> That the Bill be now read a third time.

During the second reading debate I gave the member for Bunbury an undertaking that I would make some inquiries in connection with a matter he raised concerning voting. The honourable member spoke about clause 2 (d) of the Bill which repeals and re-enacts section 5 (8) of the Act. Some words in the current subsection have been omitted in the re-enactment; that is, "in the case of an equality of votes to declare the vote in the negative." The Parliamentary Counsel, when preparing the amendment, verbally indicated that those words do not relate to the appointment of a chairman with which the current subsection is mainly concerned, but actually refer to the voting on business before the board. They are out of context in the subsection and should be removed therefrom. They were written into the Act in that form in 1946 when the Act was originally introduced and passed.

Their exclusion altogether does not seem to have any material effect as the chairman will have one vote in the ordinary manner at a meeting, but not a second or casting vote. For the latter to occur it would also need to be written into the Act.

The intention in the amendment has not been to change the position in respect of voting as it now stands, and if members consider the intention of the omitted words should be reincluded, no objection would be raised to doing so. Parliamentary Counsel advises this can be done by amending clause 2 (f) in the Bill to read clause 2 (g) and to insert an additional paragraph to read—

> (f) by adding after the word "members" in subsection 13 the words "and a question arising at any meeting of the Board shall be determined by a majority of the valid votes of members present at that meeting."

If after that explanation the member for Bunbury wishes the matter to be dealt with, I shall make arrangements in another place for his desires to be met.

Question put and passed.

Bill read a third time and transmitted to the Council.

MENTAL HEALTH ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th August.

MR. MENSAROS (Floreat) [5.20 p.m.]: Unforseen circumstances prevent the member for Subiaco being here to make what would no doubt have been more interesting comments on this measure than I will make. Nevertheless I will not weary the House much longer in replying to this debate than did the Minister when he moved the second reading.

We all recall that when several amendments were made to the Criminal Code section 289 was deleted. This section made it an offence, a misdemeanour, for a person to attempt suicide and such an offence was punishable by imprisonment with hard labour for one year, or when a person admitted the offence and was tried summarily, for six months.

In explaining the measure at that time the Minister said there is scarcely any record of anyone having been prosecuted because of attempted suicide; and we all accept that it was reasonably ethical to repeal that section.

However, the result has been that whereas in the past the Police Force having dealt with an offence was able to apprehend the person who attempted to commit suicide and perhaps to persuade him to seek psychiatric treatment or something like that, at the present moment, as it is not an offence, no-one is entitled to apprehend the person. This could react to his disadvantage and even lead to repeated attempts to commit suicide, which is not an offence any more. Therefore to correct this unforseen circumstance the Minister seeks to amend the Act to provide that the Police Force, under this Act, may deal with a person by way of medical examination.

Again we do not have any objection to this, although it might be that the measure does not go far enough. Under the section we are intending to amend, in order that the policemen might apprehend a person who tries to commit suicide and deal with him in accordance with the Bill, a complaint must be made on oath before a justice. Until this is done no action can be taken. I query whether some time might not be lost in such a procedure if an oath has to be procured. Sometimes a policeman might not be able to procure one if he finds a person trying to jump from a bridge. On the other hand, I realise that this is a security for an individual against perhaps unwarranted interference by the police. It is very hard to strike a balance, but I just raised the query. No doubt experience will show whether it is necessary to go further and if this is so, action will be taken. We know that the police will use the same tact as always with these persons who are rather to be pitied than considered criminal, as they were when attempting to commit suicide was considered, according to the Statute, to be an offence.

The Opposition agrees to the proposition and raises no objection.

MR. DAVIES (Victoria Park—Minister for Health) [5.25 p.m.]: I would like to thank the member for Floreat for his contribution and his support of the measure. I regret the circumstances which made it impossible for the member for Subiaco to be here today to continue the debate on the Bill.

The member for Floreat very accurately repeated the reasons for the introduction of this measure and then queried whether or not time might not be wasted in going through the processes of having an oath sworn before a justice. I understand the circumstances under which this would be used are cases where there is reason to suspect—but there is no immediate danger of it—that someone intends to commit suicide. Someone might have said that he was saving a couple of sleeping pills every week to take his own life eventually. This would be an occasion when this section of the Act could be implemented.

I understand that if a man was violent or attempted to jump from a bridge, or put anyone else's life in danger, the police could take action in any case. However, to make certain that there is an opportunity for the police to take action when a reasonable suspicion exists that a person intends to take his own life, the Crown Law Department opinion is that the Mental Health Act should be amended in this way. As the honourable member said, if we find it does not meet the bill we can in due course seek further advice from the Crown Law Department.

I thank the honourable member for his contribution, and commend the Bill to the House.

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.

AUCTIONEERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th August.

MR. O'CONNOR (Mt. Lawley) [5.30 p.m.]: During the latter part of last year I approached the Minister and spoke to him regarding the sale of bloodstock in the State. He advised me that an alteration to the Auctioneers Act was under consideration by him and that this would permit the sale of bloodstock at night.

Members on this side of the House support the Bill, because we think it is a step in the right direction. Anyone who attended the last bloodstock sale in Western Australia, which was held in the early part of this year, would have seen that the facilities in this field have been increased enormously. An area at the Belmont racecourse has been set up specifically for this purpose and the sale of stock is such as we have not seen previously in Western Australia. A great number of people are taking an interest in this field and large sums of money have been spent to bring good stallions to the State.

It would be a pity if the stock could not be sold at night. I say this because many people find difficulties in getting away on particular days to attend sales. If the sales are held during the evening with the facilities which exist at Belmont, it will enable many people to attend them. Also, it will be possible to parade the stock in a first-class manner.

The measure is certainly a step forward. Sales of stock at night have been held in the other States to the advantage of the breeders and those involved in the industry. I am pleased to see the legislation before us and I support it.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [5.32 p.m.]: I thank the member for Mt. Lawley for his support of this Bill. Indeed, his brief support is also appreciated.

I agree with him that, in recent years, interest in bloodstock sales in Western Australia has been on the increase. With the advent last year of the $100,000 Perth Cup, I feel this interest will accelerate in future. Indeed, I hope it does.

Whilst the $100,000 Perth Cup may act as an incentive for bringing champion racehorses to Western Australia, I hope that as time goes by we will be able to breed in Western Australia horses capable of retaining the prize money for this State. I thank the member for Mt. Lawley once again for his reception of 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.

NOXIOUS WEEDS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th August.

MR. McPHARLIN (Mt. Marshall) [5.35 p.m.]: The Bill before the House seeks to amend the Noxious Weeds Act by broadening the field of control of the protection board. It appears the board has run into difficulties from time to time in controlling certain materials containing noxious weeds and this has resulted in the weeds spreading. This, of course, is undesirable.

Under the Act, as it exists at the moment, the board has had the authority to control stock coming into the State and also their movement about the State. However, it has not had the authority to control fodders and mixtures which are prepared these days for the feeding of stock animals in various parts of the State. The purpose of the Bill is to amend the Act to give the board wider control.

Apparently the board has also experienced a considerable amount of trouble with the re-entry into the country of secondhand wool packs. In the main the wool packs are returned from Japan. The board has negotiated with the companies concerned and the wool packs have been retained at the wharf. The companies are allowed to reuse the wool packs for sending away export wool. Hence, some of the wool packs are sent back to the country of origin. However the stock pile of packs is such that they cannot possibly all be used for exporting wool. I understand that at the moment the board is negotiating with the companies concerned to clean up the wool packs. The suggestion is that, after inspection, they could be used on the Western Australian market for the baling of wool after purchase. I emphasise that this would be only after the packs had been passed as clean and satisfactory.

In his second reading speech, the Minister referred to the spread of Noogoora burr, Bathurst burr and Horehound. Of course there are other noxious weeds. When these get into wool they are difficult to scour out. The control of the board should be extended to prevent these weeds from spreading, because they can be expensive and troublesome. In fact we should take every effort to ensure that they do not spread any more than it is possible to avoid.

The amending Bill will broaden the authority of the board to inspect machinery which is defined as—

> "machinery" means a vehicle or machine which has been used for agricultural, excavation or earth-moving purposes;

There are also amendments concerning the movement of animals from one place to another. The authority of the board is also broadened by the definition of a "restricted animal" which means a sheep, a bovine or equine animal. Proposed new section 26A contains reference to "any animal or thing which is intended to be, is being, or has been brought into the State." I

understand the word "thing" has been included to give as broad a meaning as possible. This means that board members will have the authority to inspect and check anything at all which could be contaminated by weeds and seeds of weeds.

There is a checkpoint at Norseman to deal with what comes into Western Australia from the Eastern States. At one time it was suggested that Eucla would be a satisfactory point at which to carry out inspection, but the idea was never carried on with. As I have said, the checkpoint is at Norseman.

I understand that, under the Noxious Weeds Act as it exists at present, inspectors do not have the authority to stop a vehicle, as such. They have the authority to stop a vehicle which is carrying stock, but they cannot stop an empty vehicle. I understand power exists under the Plant Diseases Act and also under the Vermin Act to stop empty vehicles, but I have been told that no such authority exists at the moment under the Noxious Weeds Act. If the amending Bill is agreed to the inspectors will be empowered to stop and inspect any vehicle for noxious weeds.

An amendment is proposed to section 5 of the Act, which deals with interpretations. After the interpretation of "Protection Board" on page 8 of the principal Act, the interpretation of "prohibited material" is to be inserted. Certainly this makes the field very wide, because prohibited material includes any packet, parcel, packing material, seeds, soil, vegetable matter or other substance in or with which that weed, part of a weed, or seed is packed or associated.

Section 26 of the Act is to be repealed and re-enacted. The prohibited material, to which I have already referred, is included in proposed new section 26A. As I have said, the board will have a much wider control than it has at the present time. I think this is desirable and acceptable.

The SPEAKER: Order! There is too much audible conversation.

Mr. McPHARLIN: Proposed section 26B (2) also gives inspectors wider authority than they have had previously. Proposed subsection (2) (a) reads—

> (2) The Protection Board may from time to time by declaration—
>
> (a) declare that the provisions of sections twenty-seven and twenty-eight of this Act apply to such animal feed preparations and animals as it thinks fit;

I endeavoured to find out why the inspectors wanted their authority widened to give them this control. The answer is that nowadays rapid progress is being made in the development of fodders and feed for stock which move about in different parts of the State. The board has tried to keep up with this and the all-embracing paragraph to which I have referred will give the board members the authority to do just that. Subsection (2) (b) reads—

> (b) vary the provisions and operation of a declaration made pursuant to the power conferred by this section by cancelling those provisions and that operation wholly or in part absolutely, or by cancelling those provisions and that operation wholly or in part and substituting other provisions and their operation for those so cancelled.

My first reaction on reading this paragraph was that it would allow the inspectors far too much authority. I thought that if it were not administered carefully and with common sense the inspectors would be able to do almost anything they wished. On making inquiries I was assured that in the past their administration has been on a common-sense basis. They have received co-operation in almost every direction, because farmers and others who are interested fear the degradation of pastures and the troubles which can result from noxious weeds spreading. These people are co-operative and willing to work as closely as possible with the board. As I have said, the administration has been on the basis of common sense. Initially I had some fears about this provision but I have been assured it will be administered with common sense, tolerance, and co-operation.

The Bill generally is not being opposed from this side of the House. It appears that a great deal of thought has been given to the control of noxious weeds. We know of the dangers from weeds coming from the Eastern States, and one in particular is skeleton weed which affords a very severe threat to grain crops. Any measures to prevent these weeds coming into the State should be adopted. If it is considered that the board does not have sufficient powers at the present time, then it is desirable that this legislation to increase its powers should be passed.

Section 28 is to be amended by increasing the penalty from $20 to $100. I do not know that there was a need for this penalty to be increased to this extent, but even at $100, the penalty does not appear to be out of proportion to the offence. I have no criticism of this clause.

Section 27 of the Act is not to be amended by increasing the penalty above $200. Again this does not appear to be more than is necessary and I offer no objection to the penalty. There is no great opposition to any of the proposed amendments.

My assessment of this legislation is that it is a move to give the board greater authority in a wider field. Weeds are a costly nuisance and if this will improve control it is a very good move. The inspectors

will be given greater authority to control the importation of noxious weeds. I support the measure.

MR. I. W. MANNING (Wellington) [5.48 p.m.]: I should like to indicate general support of this measure. The Noxious Weeds Act comes before this House for amendment fairly regularly. Over a period of years there has been a general tightening up of the restriction provisions in the Act controlling the entry of livestock, seeds, and plants into Western Australia. These measures have always had general support in this House, and this is a very sensible attitude.

We have more or less felt our way in imposing restrictions on the entry of livestock, seeds, and plants into our State. The measure now before us is to tidy up the situation with regard to restrictions and to make provision for a careful check on importations under these headings. Under these circumstances we certainly could not oppose the measure. I feel our attitude on this subject has been very wise indeed. Many of the amendments which have come before the House have been at the request of agriculturalists in Western Australia. It is hoped that the legislation will allow the Department of Agriculture to keep a close check on importations and this conforms with the attitude of the Governments in the Eastern States, particularly South Australia, which very closely watch the importation of vegetables and fruit.

The passage of goods and stock across State borders provides an excellent opportunity to take precautions to restrict the spread of noxious weeds. It can readily be seen that seeds, plants, and livestock could be just the media to spread noxious weeds.

I therefore support the comments made by the previous speaker, the Deputy Leader of the Country Party, and indicate my approval of the legislation.

MR. RUNCIMAN (Murray) [5.52 p.m.]: I have much pleasure in supporting this measure. Over the years in this State we have taken many precautions in guarding against the introduction of noxious weeds by checking livestock and other goods coming from the Eastern States. This Bill deals with fodder, chaff, packing material, litter, etc., which previously have not been checked. The inspectors will now be given the right to check such importations and take any necessary action to see that such matter is free from noxious weeds.

It is imperative that we watch closely the importation of goods into this State in the interests of primary industry generally. It is realised that travel between the States is now very simple and as well as this we must take adequate precautions with goods coming from South-East Asian countries.

The intention of this Bill is to strengthen considerably the Noxious Weeds Act and I believe its passage will be in the interests of primary industry. The Bill provides for the increase of certain penalties, and I agree that this is necessary although perhaps they are not high enough in relation to offences such as introducing exotic weeds. Nevertheless it is a step in the right direction. I have much pleasure in supporting the measure.

MR. H. D. EVANS (Warren—Minister for Agriculture) [5.53 p.m.]: The sole purpose of the Bill is to assist rural industries, and I am very pleased it has been accepted in that spirit by speakers on the other side of the House. I am also pleased that they have indicated their general support of the measure.

The member for Mt. Marshall certainly took the trouble to make himself conversant with the various provisions contained in the legislation and he has covered most of them quite fully. The idea behind this legislation emanated from the Department of Agriculture and the Agriculture Protection Board. These bodies recognised the deficiencies in the existing legislation as they were subjected to certain criticism from time to time. However, this measure will resolve many of their problems.

The present legislation in regard to animals is fairly secure and little difficulty arises. However, problems have arisen in respect of weeds and the media which carry weed seeds.

The member for Mt. Marshall pointed out one of the deficiencies was that the inspectors were compelled to use the powers provided by other legislation to enable them to search travelling vehicles. The legislation before us will eliminate this problem.

I would like to refer to several interesting points in this legislation. Some of the chaff presently being brought into the State has been found to contain weed seeds. The present provisions make this problem difficult to deal with. Before fodder can be imported into Western Australia a certificate must be supplied to show that it has been grown in a weed-free area. However, although a certificate is also necessary to import chaff, there is still a danger of the chaff containing weed seeds by the time it arrives here. This is occurring at the present time.

As I said earlier, the importation of stock is well controlled but tighter provisions for the importation of fodder and chaff will assist the board in its work.

The member for Mt. Marshall made reference to the wool pack situation and the fact that there are thousands of wool packs and jute products in Western Australia which cannot be used at present. These articles cannot be cleaned under the

present regulations and so an impasse has arisen. The legislation before the House will allow these articles to be cleaned and re-used, subject to the inspection and destruction of any grossly infected packs. This will rectify an anomaly in the present legislation.

The greatest difficulty for the inspectors has been with regard to interstate transport. The amending legislation should enable the board to take a much firmer attitude and the provisions for searching vehicles and the necessity for declarations will provide added protection—something which is warranted in this day and age when transport and communication are so much easier than in the past. The volume of traffic from the Eastern States has increased tremendously and it will continue to do so. Of course, the dangers of importing infestations rises proportionately.

The member for Wellington and the member for Murray indicated their general support of the measure and their recognition of the fact that there is a need to upgrade the total situation including the penalties. It is some years since penalties were increased and the new penalties will be appropriate to the offences which may be perpetrated. As I said earlier, this is beneficial legislation. It is introduced here for the sole purpose of assisting the rural industries of this State. It is with that knowledge that I thank the speakers opposite for their support.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. H. D. Evans (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 27 repealed and re-enacted—

Mr. McPHARLIN: Section 27 (3) of the principal Act states—

> All animals and coats brought into the State from elsewhere, shall immediately on arrival, be received into the custody of a Government Inspector and be kept by him in quarantine. . . .

The provision in the Bill reads as follows:—

> (2) All coats, fodder, machinery, sacks, wool packs and restricted animals entering the State from elsewhere shall immediately on arrival be delivered into the custody of the Government inspector.

That provision says nothing whatsoever about quarantine. Therefore, could the Minister clarify this? He has omitted any reference to quarantine in the Bill.

Mr. H. D. EVANS: It was felt that the provision of inspection, as shown in the amendment, should be carried out by the Government inspector when the material is delivered to him. Once that has been done the powers granted by the amendment are sufficient for the inspector to take immediate action to deal with the problem. As I understand the position, previously in many instances powers did not exist to deal with the destruction of the material, but in the amendment there is provision even for soil to be destroyed. I presume this would be done by roasting, burying, or by some other means. The word "quarantine" has been deleted as it is felt that the powers already existing are sufficient to handle the situation.

Clause put and passed.

Clauses 9 to 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

WAR SERVICE LAND SETTLEMENT SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th August.

MR. NALDER (Katanning) [6.03 p.m.]: I have no objection to the passing of this amendment to the Act. The Minister briefly outlined the reasons for its introduction. He said the amendment had been brought about as a consequence of the amendments made to the Land Act which allowed the Crown to relinquish its rights to indigenous timber on alienated land. This problem has caused a great deal of concern over the years.

Most members who represent farming areas know that many farmers had a great deal of uncleared land on which grew timber that had some value. During the 1960s in particular we received many complaints that farmers who had no rights over the timber on their land were clearing the timber without giving any consideration to its value. When the timber was removed by people who had the right to it the farmer concerned complained bitterly, because in many instances those who were removing the timber were carrying out the work by adopting the cheapest methods possible. After the timber had been cleared away the stumps remained and it was the responsibility of the farmer to get rid of them. This was a very costly exercise and many complaints were made about it.

The amendment to the Land Act will remedy the situation, because it will allow the farmer to get some value from the

timber. This is a sound move. This amending Bill has also been found necessary because war service land settlement properties did come within the category of the land I have mentioned. Further, the Commonwealth Government had to be approached to obtain its approval for the introduction of this amendment. This has been obtained, and it is interesting to note the Forests Department has been releasing more land—apart from war service settlement land—following the amendments that have been made to the Land Act. When the amending Act was proclaimed last year war service land settlement land was not included, but according to the Minister war service land settlers were treated in the same way as private landholders, and this is only reasonable.

The purpose of this measure is to bring the situation legally under the control of the amendment to the Land Act proclaimed last year. Members on this side of the House have no objection to the measure, because we believe it is most necessary. I therefore support the Bill.

MR. I. W. MANNING (Wellington) [6.07 p.m.]: I agree with the comments of the Leader of the Country Party who has indicated his support of the Bill before the House. As he has said it was necessary to obtain the Commonwealth Government's approval, in view of its association with war service land settlement, before the Government's proposals could be put into effect.

I am extremely happy to support the Bill, because during the 1971 election campaign, the then Premier, (Sir David Brand) on the 2nd February said that if his Government were returned it would give up its traditional right to timber royalties on land that had been conditionally purchased by farmers from the State. This, of course, includes war service land settlers.

As the Leader of the Country Party has mentioned, the war service land settlers have asked for this right for many years, and frequently, in R.S.L. circles, the subject has been debated and a request has been made to the Government to permit war service land settlers to have the rights in the timber on the land over which they have control. I agree with the Leader of the Country Party that this is a step forward, because prior to this provision being introduced a great deal of timber was wasted as the farmer did not have the right to sell it. He was permitted to clear the land, but as he was unable to sell the timber, a great deal of it was wasted in the clearing operation. This is a sensible move to remedy the situation, and I commend the Minister for bringing not only this Bill before the House but also the measure he introduced last year which provided for all holders of conditional purchase land to be given rights over the timber on their land.

To my mind this is a great step forward and it is unfortunate it was not taken many years ago. The previous Government saw the light and promised to introduce this provision if it were returned to office. However, the current Minister for Lands has realised the wisdom of the measure and he has brought it forward. I commend him once again for his action and I support the Bill.

MR. RUNCIMAN (Murray) [6.12 p.m.]: I, too, support the Bill. I have had practical experience of not being able to hold the rights in the timber on my land. Many years ago I owned a block that was subject to the restrictions of the Forests Department. At the time, the situation appeared to be crazy, because the farmer could ringbark the timber or bulldoze the trees down, but he was unable to sell the timber. As a result a great deal of timber was wasted, including good quality jarrah that was growing on many properties in the south-west.

The history of this situation goes back a long way; not long after the first World War when sleeper cutting was booming. Many people purchased properties with the sole purpose of cutting the timber so that it may be sawn into sleepers. As this industry grew over the years, many properties were spoilt as a result. The Government of the day decided to legislate to prevent this type of speculation and, as a result, restrictions on the sale of timber were imposed by the Forests Department on conditional purchase land in the south-west.

However, as time went by such restrictions became very onerous on the genuine farmer who wished to develop his land, and considered that the sale of timber from his land would be of financial help to him. Therefore, I was extremely pleased last year when the Government decided to amend the Land Act to waive this restriction. Those members who represent south-west electorates requested the previous Government to waive this restriction, and as the member for Wellington has pointed out, Sir David Brand, in his 1971 election speech, said he would agree to the request. However, the present Labor Government has taken the same step as was promised by Sir David and we are very pleased it has extended this right to war service land settlers. I have much pleasure in supporting the Bill.

MR. H. D. EVANS (Warren—Minister for Lands) [6.13 p.m.]: The three speakers on the other side of the House have indicated their support of the measure. This is understandable because its intention is simply to give to war service land settlers under perpetual lease the same rights as other farmers. Commonwealth approval to alter the lease conditions was required before this Bill could be introduced and

this explains why the whole matter was not tidied up when the initial amending Bill was introduced last year.

I do not think there is any need for me to reiterate the anomalies and the sore points that arose over this vexed question. We are all familiar with them. The Leader of the Country Party, the member for Wellington, and the member for Murray, spoke briefly in regard to the problem and indicated the great need to prevent the wastage of timber right throughout the south-west.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. H. D. EVANS: I do not wish to reiterate any of the points that were raised before the tea suspension. The House is fully conversant with the main problems that this issue has raised over the period of time it has been dealt with.

Perhaps I should point out that no war service land settler has been disadvantaged since the main amendment was passed. This had to be done through a clause which permitted ministerial discretion, but it is far preferable to have the matter regularised in this way.

We are very happy to render some small assistance, to a limited number of farmers certainly, and we thank those members of the Opposition who have spoken for the support they have indicated.

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.

ACTS AMENDMENT (ABOLITION OF THE PUNISHMENT OF DEATH AND WHIPPING) BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [7.35 p.m.]: I move—

> That the Bill be now read a second time.

This Bill is designed to abolish the punishment of death and whipping from the Statutes of Western Australia and for incidental purposes thereto.

During the short time I have had the honour to be a Minister, which is approaching 18 months, and indeed during the 16 years that I have been a member of this Chamber, I can honestly say that I have not been more closely associated with a Bill of greater social and human significance than that which is before us.

Mr. Hartrey: Hear, hear!

Mr. T. D. EVANS: With great humility I believe and I trust that this could well be a historic occasion. During the time I have been in this Chamber I have always been impressed with the fabric of goodwill that the members of this House and, indeed, the members of this Parliament, have shown on questions of social and human significance; and I trust on this occasion, in the year 1972, members will bring to bear their traditional goodwill, having regard for the social mores of the times and of the future when examining the provisions which were written into the Criminal Code of Western Australia when it was first introduced in 1902—70 years ago.

At the time when these archaic provisions were written into the Act—at least they were archaic by the standards which, I am sure, the community now adopts—these punishments were not new; but at least, apparently, they were held to be in balance with community standards prevailing at that time.

In the Parliament of Western Australia many attempts have been made to bring down legislation to abolish the death penalty. The last such occasion I can recall was by means of a private members' Bill introduced by the present Deputy Premier when he was a leading member of the Opposition.

The Government believes that now is a most appropriate time to introduce this Bill. As far as I am aware no person is at present under the sentence of death with the consequence that the matter can be raised in an atmosphere devoid of undue emotion. More importantly, this Government is convinced that public opinion, to which every consideration must be given in each review of legislation of this nature, overwhelmingly reflects the revulsion of society with the continuation of the death penalty and whipping.

Although throughout the world today man's inhumanity to man is exemplified by terrorism and the bestiality of wars, it is our responsibility to acknowledge and foster the growing regard by our society for personal dignity.

If we disregard the situation in war, effronteries to human dignity equal to execution of the death penalty and whipping are hard to imagine.

Capital punishment and whipping are forms of punishment which, like torture, are not consistent with human dignity or with a respect for the other rights that the offender, as a human being, retains.

The controversy over the death penalty is an old one and its resolution must ultimately depend upon public opinion: nevertheless, the arguments used against earlier proposals for abolition will no doubt be raised again and, therefore, I feel they should be answered.

Punishment is an emphatic denunciation by the community of a crime and the reasons for penalties have been the subject of considerable thought and research.

Broadly, the elements of a penalty have been defined as retribution, rehabilitation, and its deterrent effect.

In considering retribution, I feel in this context it must be clearly defined as excluding any element of vengeance whatsoever, as not to do so would be found intolerable by every member of this Parliament as, indeed, it would by our society. We believe that our society does not wish to see more by way of retribution than to be given an assurance that safeguards in our criminal law are adequate.

The evolving standards of decency within our society demand that still more emphasis be given to rehabilitation. Rehabilitation of the individual offender is now regarded as an important function of punishment.

It is incongruous that a State which allocates a considerable proportion of its funds for the care and the treatment of the less fortunate within the community should be burdened with a Statute that denies help to individuals who are among the most in need.

Our society has long since acknowledged the need for rehabilitation which has been successfully applied through various agencies such as the Department of Corrections, Probation and Parole, and the Departments of Community Welfare and Education.

To those who would argue that murderers cannot be rehabilitated the answer lies in the findings to the contrary of numerous inquiries, one such being the Royal Commission appointed in the United Kingdom and chaired by Sir Ernest Gowers, 1949-1953. On page 18 of its report the commission said *inter alia*, and I quote—

> Not that murderers in general are incapable of reformation: the evidence plainly shows the contrary. Indeed as we shall see later, the experience of countries without capital punishment indicates that the prospects of reformation are at least as favourable with murderers as with those who have committed other kinds of serious crimes.

If we mean by rehabilitation the eventual re-entry into society as a useful citizen, then surely the ultimate success in rehabilitation is impossible while the death penalty is enacted and exacted.

The other element of punishment which is given undue prominence is its value as a deterrent. It is argued that capital punishment is a unique deterrent; more effective than protracted imprisonment or other alternative penalties.

Capital punishment, clearly, is not a uniquely effective deterrent. It is fallacious to assume that potential murderers calculate the consequences of execution and long term imprisonment before or at the moment of killing. It is obvious that at the moment of killing the offender is devoid of reason or logic. This fact is borne out by the experience of those countries which, having suspended or abolished capital punishment, have no evidence of resultant increased rates of murder.

No submission for abolition of the death penalty would be complete without reference to one of the most horrific aspects of the practice—its irreversibility. It has been argued that the processes of law are such that every opportunity is given to establish the guilt or innocence of the offender. Nevertheless, there have been dreadful mistakes—few, but none the less dreadful—made both in this country and overseas.

It is not the type of event on which the normal responsible citizen wishes to dwell; nevertheless it is his duty to reflect fully on the part he has to play in ensuring that such mistakes do not occur.

It will be recalled that in New South Wales, in 1947, a man by the name of McDermott was convicted of murder and may well have been hanged had the Labor Government lost the State election of that year. Five years later a Royal Commission decided that McDermott had been wrongly convicted. He was released and he was compensated.

We are all aware of the infamous United Kingdom case of one, Timothy Evans, illiterate and mentally backward, who was charged with the murder of his child. He was hanged on the 8th November, 1949.

One of the prosecution witnesses, whose name was Christie—a name which is not unfamiliar to us—was later found to have murdered seven women. There was grave doubt about Evans' guilt, it being almost universally accepted that Christie had been responsible. A posthumous pardon and reburial in consecrated ground in 1966 could have done but little to salve the conscience of the people. That innocent individuals have been executed is without doubt, nor is there any doubt that we as a society must ensure that such mistakes cannot be made in this State.

In New South Wales there has not been a hanging since 1940. The death penalty was abolished in that State in 1955. In Victoria the penalty is still legal. Queensland abolished capital punishment in 1922 with no attempt at its re-introduction since. I think there is some significance here in so far as one should not try to associate the abolition of the death penalty with the form of politics which is typical of the make-up of this Government because a Country Party-Liberal coalition Government has been in power in Queensland for many years now and no attempt has been made to restore the death penalty in that State.

I might mention that the Criminal Code in Western Australia is based largely on the Criminal Code of Queensland. In fact, over the years there have been very few departures. We now have an opportunity to bring our Criminal Code back closer in line with its parent Criminal Code which operates in Queensland.

South Australia is in a somewhat similar situation to Western Australia as attempts by the Labor Party for abolition have been unsuccessful. The Labor Government of that State, since elected in 1965, has attempted to abolish the death penalty, but the measures have been defeated in the upper House of that State.

In Australia no informed person would postulate that the quality of life or security enjoyed by those who live in States where capital punishment has been abolished is any less than in the hanging States. No-one would do that.

The punishment of death is pernicious to society from the example of barbarity it affords. If the passions—or the necessity of war—have taught men to shed the blood of their fellow creatures the laws, which are intended to moderate the ferocity of mankind, should not increase it by examples of barbarity, made more horrible by the formal pageantry of execution.

It would no doubt be the fervent wish of all members of this House and, indeed, all responsible citizens, that the sacredness of human life, discipline, and self-control to restrain one's own impulses should be inculcated in the young.

How then can this be fully achieved if our system of justice provides for the taking of human life by society through the agency of the State? To take life under any circumstances weakens the principle of its sacredness. To do so is a confession of failure; failure to help those in dire need of help. We cannot cure: What do we do? We kill!

This Government—and I trust that the Parliament of Western Australia will on this occasion—finds this completely unacceptable. The Government recommends the wholehearted adoption of this Bill to abolish the punishment of death, and whipping.

I feel this Bill is not only propitious and could be passed on this occasion, but I submit that it should be passed on this occasion.

Debate adjourned for one week, on motion by Sir Charles Court (Leader of the Opposition).

BULK HANDLING ACT AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR. NALDER (Katanning) [7.50 p.m.]: I suppose I could be critical of a situation such as this but I do not intend to be because circumstances have developed for which, apparently, nobody is at fault.

When he introduced the Bill the Minister said that members were fully aware of the arrangements which have been made recently with regard to the borrowing requirements of Co-operative Bulk Handling Limited. However, I do not think the public really knows the details or the sequence of events, or is aware of the report of the exercise carried out by members of the Government, the Rural and Industries Bank, and Co-operative Bulk Handling Limited. It appears, from the information which has been made available, that the situation which has arisen has not occurred previously.

The significance of this Bill, of course, is that finance has been made available for a programme of works to be carried out by Co-operative Bulk Handling Limited. I think reference has already been made to the fact that this work will commence shortly.

The works will facilitate the handling of grain in Western Australia and, as a result, costs to growers will be reduced. On that basis, nothing but good can come from this exercise.

We all appreciate, only too well, the work done by the officers of the Treasury and the officers of C.B.H., who were able successfully to negotiate for finance. It does seem rather strange that a technical difficulty should arise to cause some doubt as to whether or not the arrangements, which have been made for the effective repayment of the money which is borrowed, are in order.

The amendment now before us will relieve the situation and satisfy the position in the future as far as Co-operative Bulk Handling Limited is concerned. Perhaps the Government should have introduced legislation to cover the whole situation, and not only the present situation concerning C.B.H. because it may be necessary for further legislation in future years. However, when he introduced the motion for the suspension of Standing Orders, the Premier did not indicate that that might be the case. I doubt very much whether it will be necessary—for a long time to come—for C.B.H. to embark on such a large scale venture as that now envisaged.

The facilities which will be made available as a result of the present financial deal will revolutionise the handling of grain in this State. I understand the C.B.H. installation will be the most up to date in the southern hemisphere, or anywhere in the world for that matter. For that reason, we cannot delay this Bill.

A large proportion of the money required —$30,000,000—has been made available by an arrangement with the Orion Bank in

England, and the lesser amount of $12,000,000 will be found in Australia. The repayment of the loans will be facilitated by the passage of this amending Bill.

I think it might be as well for me to mention that the construction of the grain handling facilities—as a result of the availability of this money—will contribute considerably towards solving the unemployment situation. This will possibly affect one particular area more than any other. We have heard there is a great deal of unemployment in the Kwinana area. The project under discussion will provide employment for the people in that district for some considerable time.

Apart from that, no doubt most of the material will be fabricated in Western Australia, and this in turn will provide employment in industry in this State. Co-operative Bulk Handling Limited has always made a point of letting contracts for materials and buildings to industries in this State. Contracts have been let to firms outside the State only when they were not able to be fulfilled by Western Australian firms. Undoubtedly, Western Australia will therefore benefit from this operation.

In the circumstances outlined by the Premier and the Minister for Agriculture, and following information I have obtained since it was suggested this action would be necessary, I have no opposition to the legislation. I will support it and trust it will receive the support of both Houses of Parliament.

MR. GAYFER (Avon) [8.02 p.m.]: As a farmer and a compulsory shareholder in this company—as are all growers of wheat and barley for sale in Western Australia—I feel it is incumbent upon me to say a few words at this stage. I have made a study of this exercise and there are a few matters I would like to have recorded in *Hansard*.

It seems only a few months since the Bill dealing with C.B.H. was passed in this House. Now a small amendment has become necessary in order to allay the fears of the lenders of the money for the project. Four lawyers seem to be at variance and the easiest way to resolve the difficulty is to amend the Act. I agree with the Premier that there is only one good lawyer—a lawyer with one arm. In regard to this matter there seems to have been a bit on one hand and a bit on the other.

Nevertheless, the manner in which the Bill is being dealt with is greatly appreciated, and I sincerely hope it will receive the acclaim of the whole Parliament as it is absolutely necessary that it go through as quickly as possible. The House will not be sitting next week and the Bill must still receive the approval of another place and of the Governor-in-Council. Co-operative Bulk Handling Limited will then be able to go about concluding its loan agreement for this mammoth installation that shortly will be built at Kwinana.

A sum of $30,000,000 has been acquired by the issue of bonds on the international money market by arrangements made through the Orion Bank Limited, which could be regarded as a clearing house for the major banks of the world. It would be wrong for me to mention the names of the great banks that have been associated with this deal. It is felt that the negotiation has done a great deal to put not only Co-operative Bulk Handling Limited on the map but also the R. & I. Bank, Western Australia, and the whole of Australia. Above all, it has put the Australian dollar side by side with European currency, where it has never stood before.

The agreement for the loan of $30,000,000, which was completed when the tombstone was laid on Thursday, the 10th August, has been backed by some of the greatest banking corporations in the world. Anyone who cares to look through the financial papers will see the names of the banks and financial organisations that have taken out the $1,000 bond issues. Those organisations which have thereby shown their interest in this venture and in Western Australia form the greatest array of monetary authorities one could ever hope to see. The next stage is to raise $12,000,000 within Australia.

The $30,000,000 that has been raised by the sale of bonds in Europe will be redeemable by C.B.H. between the 6th and the 15th year. Of the $12,000,000 that is to be raised in Australia, $8,000,000 will be raised by a debenture issue. The balance of $4,000,000 will be raised as a straight medium-term loan through a prominent bank or corporation of banks within Australia. This Bill has been given priority in order to be able to get the wheels rolling so that the $12,000,000 that has already been earmarked can be brought into the coffers of the bank that will eventually supply the money to Co-operative Bulk Handling Limited. It is hoped that very shortly a start will be made on the piles at Kwinana, but that can only be done when the loan arrangements have been satisfactorily completed.

I have tried to be as brief as possible in outlining this terrific exercise. I have also tried to make my explanation as simple as possible, but if one had been associated over many months with the negotiations with the borrowers and lenders of the world, one would know that the project has been made possible only through the great co-operation of everybody concerned —the Government, the Opposition, the Federal Government, and innumerable other people. For that reason, I would like to place on record in *Hansard* my appreciation to a few people who should be mentioned.

Firstly, the Premier of Western Australia and the other members of Cabinet should be given a great deal of commendation for the manner in which they have handled

this matter and for placing the services of senior officers at the disposal of Co-operative Bulk Handling Limited to ensure the negotiations would be satisfactory to C.B.H. —the ultimate borrowers—the R. & I. Bank, and the other instrumentalities concerned. During a recent very torrid week in London they also made available a senior Treasury official who went to London with the contingent in order to give the benefit of his advice.

I would also like to place on record my thanks to the Leader of the Opposition and the Leader of the Country Party, both of whom have been approached at various times and have refrained from making a political football of what was being suggested—to put it extremely lightly. I notice the Premier is laughing; he knows to what I allude. However, commendations are due to those gentlemen and to all members of Parliament who are seated in this Chamber, who are confident that what C.B.H. intends to do in the near future will not only be the right step as far as the farming community is concerned but will also be a major and positive step as far as Western Australia is concerned.

The senior officers of the Treasury and the conveyancing officers of the Crown Law Department must be given full recognition for the part they played in the exercise, as must also the Australian monetary authority—embracing, in the main, the Federal Treasury and the Reserve Bank—who, despite a little problem here and there, assisted in every possible way. The Commissioners and officers of the R. & I. Bank were very careful in their outlook, as most bankers are, but I think they learnt a great deal from the exercise and sincere thanks are extended to them.

A great tribute must be paid to the many associated banks throughout the world. They are great banks to whom in many cases Western Australia must surely have been just a name, but I feel sure those banks are now extremely interested in Australia, and particularly in Western Australia and Co-operative Bulk Handling Limited.

This project would not have been possible if the Directors and the General Manager of Co-operative Bulk Handling Limited had not felt it was the right thing to do, and I must place on record the great work that has been done by the C.B.H. management in preparing the necessary documents to satisfy the directors and make it possible for this to be done within the confines of the present financial system of C.B.H.

As a farmer and shareholder in the company, I would like to place on record my thanks to many people for the part they played in what will one day prove to be a terrific exercise. I support the Bill.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [8.14 p.m.]: I want to make it clear at the outset that we in Opposition support the Bill. I am glad the member for Avon was able to record some of his own particular experiences and comments in respect of the Bill and all that led up to it. He probably now has a fairly good idea about some of the complexities of international finance. Most people take money for granted. They think it grows on trees and that a mysterious character called a banker just digs under the counter and produces what one wants.

In point of fact, most of us who have been involved in some of these multi-million dollar projects—particularly in the earlier days when Australia's standing was not as high as it is today—know that one encounters the most extraordinary experiences. For example, one thinks one is doing a deal in Switzerland, when in fact one is talking to someone in France, Germany, London, Tokyo, North America, and many other places.

This, of course, is the great strength of the world's financial system. I hope that in the not-too-distant future Australia or some part of Australia will be the actual financial centre for the whole of the South-East Asian and Asian areas. There is no reason that it should not be because we have so many things running for us in the next generation.

Having said that, I want to express my congratulations to C.B.H. for what it has done over the years, as well as to those who have brought this deal to fruition. I do not think the average Western Australian really understands the magnitude of the C.B.H. facilities. It is in fact a great industry. After a very fiery start—I well remember some of the violence that occurred when people tried to introduce bulk handling for the first time in this State—C.B.H. has settled down to become a world leader. I think too little is said by way of tribute to C.B.H. for the world lead it has set.

It is a fact that many companies still come to Western Australia to see grain being handled in bulk in a way they regard as exemplary. I am quite certain that when the installation at Kwinana is completed it will be a tremendous credit to C.B.H.; and it will not by any means be the end of its building programme. I can see the day when C.B.H. will want bigger and better installations, because I have great faith in the rural industries.

Of course, few people realise, until it hits them hard, just what contribution to the industrial component is made by the rural industries. It is a fact that after much unfounded criticism in various parts of Australia about some assistance provided to the wool industry by the Commonwealth Government last year, and after all the talk about the great sum of money the taxpayer was allegedly paying, it is actually a rural industry which is to make

the first contribution to relieving the unemployment situation in this State, and particularly in the Kwinana area.

I want to make it clear that we support this Bill. I had to smile when I heard that it was to be introduced because we have been through this exercise so often before. I would have thought that the definition of "industry" in the Rural and Industries Bank Act would have covered practically everything. But quite obviously when lawyers started to work on this project, in order to demonstrate how clever they are and how hard they must work to earn their fees, they found that the word "industry" as defined in that Act does not mean what we all thought it meant. I think the first time we had to make a specific amendment to cover this situation was in 1959, and it arose from a situation in connection with Canterbury Court. Prior to that the then Premier had conferred with the then Leader of the Country Party (The Hon. A. F. Watts) and the then Leader of the Opposition (Mr. Brand) to obtain an assurance that the amendment could be made to cover the situation.

The situation arose because a lawyer of the potential lending company decided that the word "industry" did not mean what we thought it meant. It was amusing inasmuch as all of the other lawyers present did not agree. However, they did not get very far because the solicitor for the company with the money had the last say. Nevertheless, it is a fact that Governments have gone along with the word "industry"; unless it was challenged they were prepared to guarantee projects they considered to be "industries" within the definition.

I sincerely hope for the sake of the management of C.B.H., the Chairman of Directors, and the Board of Directors—as well as the Treasury officers—that now we are passing this Bill in its present form no other gremlins are found a minute after it is passed. I have looked at it as a layman and it seems to me to do all that it should do to permit the Government to guarantee this advance and to take up any slack or any legal doubt that might exist in respect of prior guarantees. But one can only hope that we will not have a repetition of this.

I would like to make one other observation before I conclude, and I direct it at the Premier and not the Minister in charge of the Bill. I was very disappointed and disturbed at the fact that we were confronted with this Bill in its present form. When a situation like this arises it is the duty of Oppositions to co-operate. I do not think Oppositions have ever been reluctant to co-operate. However, I would hope that we would be given some notice —even an hour's notice—so that we can let our colleagues know what is happening and why. I took the precaution of speaking to my colleague, the Leader of the Opposition in another place, to see whether any action had been taken to warn him before the tea suspension, and I found that he had not been warned. I do not know whether the Leader of the Government in another place has been warned.

Mr. J. T. Tonkin: He knew immediately after the tea break.

Sir CHARLES COURT: The Leader of the Opposition, or the Leader of the Government?

Mr. J. T. Tonkin: Both leaders.

Sir CHARLES COURT: I had to inform my colleague in another place before tea in order to alert him to the situation so that he, in turn, could pass it on to his colleagues.

It is the duty of Oppositions in these circumstances to co-operate within reasonable limits; but I think the Premier would be the first to agree that had the position been reversed and he had been confronted with this move he would not have felt it to be a satisfactory situation. However, we compromised by arranging for the debate to be adjourned to a later stage of the sitting.

I now hope the Bill will receive a speedy passage in another place, and I am sure it will receive the co-operation of the Opposition there. I trust it will be placed on the Statute book speedily so that there will be no doubt about the guarantees for this very important industry.

MR. J. T. TONKIN (Melville—Premier) [8.22 p.m.]: I wish to put this matter straight, lest there be any misunderstanding. It was not the intention of the Government to take the action it has taken today; and that action would not have been taken had the member for Avon not approached me at about 1.55 p.m. just before I was due to attend a party meeting and indicated that his party was most anxious that the Bill be proceeded with with all expedition.

In endeavouring to meet that situation I approached the Minister for Agriculture and asked him to see whether it was possible to ensure that we could go ahead. At that stage he was not satisfied that the Bill would be printed in time. Some hour or so later, after making inquiries, he was able to tell me that the Bill would be printed in time to enable us to proceed with it this afternoon. After receiving that information, at the first opportunity I conveyed it to the Leader of the Country Party, who expressed his willingness to proceed and his pleasure at our decision to do so.

I looked for the Leader of the Opposition and could not find him. In fact, I was unable to find him until the House was about to assemble. However, I spoke to the Deputy Leader of the Opposition and conveyed our intention to him. In the circumstances it was not physically possible

for me to do other than what I did, unless I was prepared to delay the passage of the Bill.

As the Bill is clear cut and straightforward and obviously would receive the support of all members, I had no qualms whatever about proceeding with it in the fashion I have proceeded with it. That is a full, frank explanation of the situation, and it is a situation which does not ordinarily arise. I consider there is no other way in which the matter could have been handled, unless we delayed the passage of the Bill —which was most undesirable.

I had not intended to rise, but whilst I am on my feet I would like to take the opportunity to thank the member for Avon for the complimentary remarks he has seen fit to pass in connection with the whole of this exercise. I am very grateful to Co-operative Bulk Handling for conceiving this project and for deciding to go ahead with it. I have had close contact with the negotiations which have been carried on over months—in the early stages with very little progress being made —and I know that tremendous credit is due to the officers of the Treasury who devoted hours and hours of their time in an endeavour to bring this proposal to fruition.

I am delighted to know that at long last it is possible for the work to go ahead. It will be of tremendous benefit to C.B.H. and its shareholders, and it will confer a very great benefit upon the State. It will also make a worth-while contribution to employment in Western Australia. So I think we can all rejoice and be grateful that the work which has been put into this project by everybody in any way connected with it ultimately has been most successful. We have overcome the many difficulties and we have now reached the stage where we can say, "That is a job well done" and look forward to reaping the rewards—which will be, as I have said, of very great benefit to all concerned and particularly to the State of Western Australia as a whole.

MR. H. D. EVANS (Warren—Minister for Agriculture) [8.26 p.m.]: As could be reasonably anticipated, speakers opposite strongly supported the implementation of this measure. Indeed, the Bill appeared in this manner at the inspiration of the member for Avon.

The Leader of the Country Party indicated the value of this project to Western Australia, not only in the handling of grain, but also because it will present a valuable construction programme and will involve the employment of labour and the provision of considerable materials. He is perfectly correct in saying that. It is something of which we are fully aware, and we all appreciate the part played by C.B.H. The honourable member also mentioned another point to which he is entitled to a reply. He queried whether, if a similar situation should arise again, it would not be more appropriate to consider some other legislation rather than the Bulk Handling Act. This matter is being examined under the Industries Assistance Act by the Department of Development and Decentralisation. It was referred to the department when it was realised that the matter would have to be dealt with in this fashion. As a result of the limited time at our disposal, we could do nothing more than ask the Department of Development and Decentralisation to consider it under the Industries Assistance Act. I assure the honourable member that this is being done at the moment.

The member for Avon has been closely associated with this project since its inception. The planning goes back over many months, and nobody appreciates more than he does the need for urgency and the need to ensure that the financial arrangements that have been tentatively made remain stable and that advantage can be taken of the proposed bond issue. This, no doubt, is a concern of which the member for Avon, in his capacity with C.B.H., is fully cognisant. He did us a service by indicating the magnitude of the project and its prestigious nature as far as Western Australia is concerned.

The amount of money involved in this project has taken C.B.H. and the officers of the financial institutions of this State into the world of international finance, and it is to the credit of everybody concerned that the provision of finance has been successfully accomplished. It is pleasing to note the number of people and organisations to whom he accorded thanks and congratulations. He did this in his usual generous fashion, and we share his feelings.

The Leader of the Opposition also recognised the achievement of C.B.H. inasmuch as it is a world leader in the handling of grain. I heartily agree with him on this. I join with him in extending congratulations to C.B.H. and to those who have been involved. It is regrettable that the measure had to be introduced to the House in this manner; it was unavoidable, but the Bill is necessary.

I would like to add a word of commendation to those concerned, including the Government Printer, the officers of the Department of Agriculture, the officers of the Rural and Industries Bank, and C.B.H. who have made it possible to bring before Parliament with the minimum of delay this most important measure.

It is on that note, and with my personal congratulations to what C.B.H. has achieved for the rural industry and for the total Western Australian economy, that I commend the Bill to members.

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. H. D. Evans (Minister for Agriculture), and transmitted to the Council.

MINING BILL

Second Reading

Debate resumed from the 10th May.

MR. THOMPSON (Darling Range) [8.34 p.m.]: I believe this to be one of the most important Bills that has come before Parliament in the time that I have been here. I think it is important, because I believe that in the mining industry of this State we have something on which we can build a good society, and from which a great deal of income will be derived for the benefit of the people and the State.

I believe that one day Australia will become one of the major economic powers of the world, and its ascendency will be based on the mineral developments of the country, and in particular those of Western Australia. We have seen Great Britain, the U.S.A., and Japan emerge as great economic powers. So, too, will Australia have its turn.

The SPEAKER: There is too much audible conversation in the Chamber.

Mr. THOMPSON: It is a pity that at the present time we have very few practical miners in this House. I imagine that in the past this Chamber has heard some fairly eloquent speeches from members who were involved in the mining industry in a very direct way. I also imagine that some very colourful characters from the mining industry have passed through this House.

In my research on this subject I went back in time to find out a little about the history of the mining industry, the mining regulations, the Mining Act, and so on. I found that the Gold Regulation Ordinance of 1854 was introduced in this State for the control of mining. It was rather interesting to read the recital that prefaced that Ordinance, and I would like to quote it—

> Whereas it is not improbable that gold and other precious metals may exist in some parts of the Colony and may unexpectedly be discovered, it is expedient to make some provisions for the collection of Her Majesty's dues and royalties, the preservation of order and peace at the places of digging and the general security of life and property.

It would appear that in those days it was not thought there was such vast mineral wealth in existence as is evident at the present time.

Mr. Hartrey: There was also a great deal of violence.

Mr. THOMPSON: That is correct. This Ordinance was introduced as a result of the violence that took place on the goldfields of the Eastern States in the early days. It was necessary that some law be introduced to cover mining, on the offchance that minerals might be discovered.

If we examine the laws relating to mining and those relating to many other things, we find that they originated from the common law of England. In particular, the mining laws were based on the King's needs, particularly to enable him to wage war and to issue coins. So it was the English law which was the basis of the mining laws that were introduced into Australia. I do not think it was expected that laws made in England would cope with the mining activities in Australia. That was the first indication of the laws we have had dealing with mining; and from that early law we have seen the development of the mining laws as we know them today.

A very interesting aspect discovered in my research is that owners of land alienated after the Land Act of 1898, which came into effect on the 1st January, 1899, had no right to any minerals. The Mineral Lands Act of 1892 made no provision for gold and precious metals, as they were covered under the Land Act.

In 1898 a Royal Commission was set up to investigate ways of assisting the goldmining industry. The then Minister for Mines (The Hon. E. H. Wittenoom) and 13 other members were appointed as commissioners. It is interesting to note that although an official report was presented by that commission, there were eight separate and dissenting reports issued on various matters. It is also interesting to note that a Bill was introduced into Parliament in 1898 after the Royal Commission had made its report; but because of the opposition that arose in Parliament the measure was withdrawn. This typifies the difficulty experienced by Ministers for Mines in getting Bills of this nature through Parliament.

The Act under which mining has been governed in recent times was enacted in 1904. It was introduced by the then Minister for Mines (The Hon. H. Gregory). He introduced the measure by saying it was with trepidation that he brought the Bill before the House. It was with trepidation, because of the fate of the earlier Bill that followed the report of the Royal Commission. I imagine it was also with a little trepidation that the present Minister for Mines introduced this Bill to the House, because as I pointed out earlier it is a Bill of considerable consequence. I

believe that the officers of the Mines Department, the Minister for Mines, and the other people associated with its preparation ought to be congratulated for the tremendous amount of work they have undertaken.

I am sure that many hours of the time of this Parliament will be taken up in considering the Bill before us, especially when we deal with it in the Committee stage. The more I see of it the more convinced I am that its passage will take a great length of time—not that there is a desire on the part of members on this side of the House to hold the measure up. The fact is that the Bill contains a great many ramifications of importance.

Another point of interest that arose in my research was the relative unimportance that was placed on base metals in the laws that were passed in the early days. The Mineral Lands Act of 1892 contained 48 sections dealing with minerals and base metals; and the Goldfields Act of 1895 contained 102 sections. We can see that obviously emphasis was placed on the mining of precious metals, because at that time they were the only ones considered to be of importance.

The Mining Act of 1904 which combined the Mineral Lands Act of 1892 and the Goldfields Act of 1895 started off with 150 sections; and during the 70 years it has been in existence it has grown to 340 sections; such has been the change in mining activities in this State. It is also of interest to note that in addition to the 340 sections in the Act we operate under 270 regulations made under that Act.

The Bill before us contains 167 clauses, and each one will have to be considered carefully to ensure that the law we pass will achieve the greatest benefit for the mining industry and the people of this State.

I believe that the original Act contained this deficiency: It was principally an Act written around goldmining by goldminers, and the frontier jargon and folklore of those days were introduced. Little provision was made for base metals. It was clearly a pick and shovel Act.

A large goldmine on the Golden Mile occupied something like 96 acres, and how far removed is that from the vast mineral claims developed in the 1960s when people were looking for iron ore and trying to find economic units on which to base an industry?

I think it is clear that the Act is out of date and does not achieve what a Mining Act should achieve. It is rather unfortunate for this State, as was pointed out in the report of the committee of inquiry into the Mining Act, that coinciding with the rural declines of the 1890s, the 1930s, and the 1960s, an increase in mining activity occurred. I believe that was fortuitous and that on those three occasions mining saved this State from very deep depressions. I believe mining will occupy the premier place in the economic climate of this State in years to come.

Perhaps I could just name some of the principles I believe ought to be incorporated in the Act which will finally be passed by this Parliament. It is basic that we accept the principle that the minerals do not belong to those who find them, but that adequate compensation ought to be made available to those who have the enterprise to look for them. Minerals belong to the State and the benefits ought to flow to the whole of the people of the State; and therefore we have a very serious and important duty to ensure the Act we pass will achieve this objective.

Mr. May: I think you will find that is the predominant feature of the new legislation.

Mr. THOMPSON: I look upon the matter more in the light of what will occur rather than what the situation is now, because I believe that before this Bill becomes law many amendments will be made; and I hope that during the passage of the measure these principles will be borne in mind and we will not allow any movement away from them.

It is important that we reserve particular areas to be explored by one party alone and not have dual titles; and that is provided for in the Bill. It is also important to ensure that those who are given the privilege to search for minerals actually perform and do not hang on to a piece of paper and become paper miners. It is absolutely essential we have people who are prepared to look for minerals and to develop them.

I think that the mining boom and the share-crazy situation we experienced a few years ago was an exciting time, but it cost many people a great deal of money in the long run and did very little in the way of permanent good for the people of the State.

The community will expect us to ensure that the Bill we pass will contain adequate provision for the protection of the environment, although might I say I believe that the Environmental Protection Act passed through this Parliament will take adequate care of the environment, and perhaps to that extent one passage in this Bill which relates to the protection of the environment might well come out of it.

Mr. May: You can say that again.

Mr. THOMPSON: This Bill is obviously a Committee measure, and is one which will occupy a considerable amount of time. It is, as I said earlier, the most important Bill presented to this Parliament in the time I have been here, and I hope members will make a very serious study of this important legislation.

MR. MAY (Clontarf—Minister for Mines) [8.50 p.m.]: Firstly I would like to recapitulate some of the events which occurred in the past and quickly deal with some of those which have occurred in more recent times.

Members may recall that this Bill has been on the notice paper for a long time, not because of any adverse features in it, but because we have endeavoured to provide ample time not only for members of Parliament, but also for all sections of the industry, to make a thorough investigation of the legislation and endeavour to submit a vehicle which we hope will be of great assistance to Western Australia not only now, but also in the future.

In May both the Leader of the Opposition and the member for South Perth spoke on the legislation, and it was indicated then that this would be fundamentally a Committee Bill, and nothing has transpired since then to alter this contention.

Our officers in the department have worked very hard in an endeavour to draft legislation which will be of tremendous benefit to Western Australia, and also for the guidance of members of Parliament. We anticipate that it will be amended and thus ensure we have the best possible piece of legislation with the knowledge available not only to us in the Chamber, but also the industry as a whole.

Quite a number of criticisms have been made of the Bill and this is to be appreciated. As the member for Darling Range mentioned, this is a most important measure. It will have a great influence on the future of Western Australia and it is incumbent on members of Parliament to ensure it is a good piece of legislation.

I would like to indicate that when we have a Mines Department like we have in Western Australia, dealing with so many types of diversified mineralisation, it is a difficult problem for it to produce something which will be satisfactory to everyone; and we are the meat in the sandwich so far as the department is concerned. We must look after the little prospector as well as the big companies which provide so much capital for the development of the State.

So we have, as a department, endeavoured to collate as much of the information as possible from around the State. I have visited all the other States to ascertain what their legislation entailed in an endeavour to incorporate in our Bill the best facets of the legislation from each of the other States.

New South Wales is currently endeavouring to produce a similar type of Act. Last year South Australia passed an entirely new Act. So it seems to be the trend of the times that new mining legislation be enacted in order to incorporate the new mining techniques and bring the legislation into line with present-day thinking.

Those in the department have been working on this legislation for over 12 months. We have had permanent officers working on it and they have met two or three times a week and have spent long periods of overtime on it. Now we have the Bill before us.

I would like to point out that it is not the Mines Department which will pass this legislation. This is the task of the members in this Chamber and in another place. So let us be quite definite about this and try to refute many of the arguments being circulated around the community that the Mines Department wants this legislation passed through Parliament. The department wants it all right, but it wants it passed in a form which will be beneficial to the State and we hope we will be able to achieve this. It is up to members of Parliament to pass legislation which we can administer and carry out to the best of our ability.

I would like to impress upon members that that is the reason this has been made a nonparty Bill. We feel it is far too important to tie members down. If members have some information which will be of benefit to the legislation then this is the place in which to submit it. Obviously they will have pressures from various parts of the State, both industrywise and commercialwise. Various sections will want their points of view expressed and in this we do not wish to inhibit members.

However we want members to be sure they have a good look at the information received, as the member for Darling Range emphasised, so that when we pass the legislation we will ourselves be sure it is good.

I have no doubt quite a number of amendments will be coming before the Committee and I do not intend to apologise for the number currently before us. If members will recollect, I sent a letter to all members of Parliament asking them to ensure they had their amendments in our hands before the 30th June. It was difficult for the Leader of the Opposition in so much as he had to wait for my submissions to be put on the notice paper because these had to be drafted after the submission of the Chamber of Mines was studied. However, I believe that members placing amendments on the notice paper now are not playing the game because they have had ample time in which to do this.

For instance, I have recently received a number of letters from local authorities asking me to have a look at the situation of extractive industries. When the Bill was introduced in May, I not only sent a copy of the Bill, but also a copy of my second reading speech, to every local authority in the State through the medium of the Local Government Association. Every local authority should have been in

a position to study the legislation, but it is only in the last couple of days that we have been inundated with letters from local authorities saying they are not in accord with a certain provision in the Bill.

I would like members to appreciate that we have delayed the resumption of the debate for as long as possible so that everyone might have an opportunity to study the Bill. It is up to members to ensure when they debate it that they have this in mind.

I do not intend to delay the House any longer except to thank the Leader of the Opposition, the member for South Perth, and the member for Darling Range for their contributions. They appreciate as much as I do that this is a Committee Bill, and the sooner we get into Committee and progress with the measure, the better.

Sir Charles Court: Your criticism of late amendments is a little unfair because when in Opposition the drafting facilities available are very limited.

Mr. MAY: I made mention of this.

Sir Charles Court: You were critical of late amendments. There will be many more coming now because of the sheer physical problem of getting them drafted. You have the Crown Law Department. We do not.

Mr. MAY: Yes, but amendments are being received which have been sent to me as Minister and which I requested to be sent earlier. I pointed out just now that I admitted the Leader of the Opposition did not have sufficient time to place his amendments on the notice paper sooner because he had to wait for the submission from the Chamber of Mines. Whilst I am not critical in the manner the Leader of the Opposition suggests, I do say it should have been the responsibility of members of Parliament and other organisations to indicate to the Mines Department a great deal earlier than this the types of amendments they wanted discussed in Parliament.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

The SPEAKER: I advise members that I have given permission for Mr. Rogers to sit next to the Minister for Mines during the Committee stage.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. May (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

Sir CHARLES COURT: In view of the fact that this clause refers to a proclamation, I take this opportunity to raise a query which is exercising the minds not only of the Opposition, but also of people who have to operate under the Act. I do not quarrel with the fact that the Bill will not come into operation until it is proclaimed.

A tremendous job of work will need to be done in connection with regulations which will probably be more wordy and bulky than the Bill itself. The Bill contains many references to the fact that certain things will be prescribed and covered by the regulations. Try as hard as one will, it is difficult to get away from regulations in this type of legislation. I know there has been strong criticism in some sections of the industry that too much has been left to regulations and prescription. The happy balance lies somewhere between the two. We cannot put everything in the Act and we do not want to put too much in the regulations.

By this time the Minister will have a fair idea as to what progress has been made by his officers in the preparation of these regulations. We would like to know whether the Parliament is likely to have access to the regulations before the Bill finishes its passage through another place, and certainly before it is actually proclaimed an Act.

This is an appropriate point at which to raise my query, because the time of proclamation will be crucial to the industry. I can hardly imagine the Bill being proclaimed an Act without the regulations. This would be an untenable situation.

The Minister and his officers must have made an assessment by now. Perhaps the Minister might be prepared to allow members to have access to some of the regulations at this juncture.

Mr. MAY: I appreciate the concern of the Leader of the Opposition. We have given a great deal of thought to this. Officers in the Mines Department have commenced drawing up the regulations and have given quite a deal of time to them. However, because of its comprehensive nature it has been necessary for most of our senior officers to work on the legislation for some considerable time. We have not been able to proceed with the regulations as we would have liked.

Members can rest assured that, as soon as the legislation has passed both Chambers, it is our intention to put permanent officers onto dealing with the regulations and to have them completed as quickly as possible. I cannot give an assurance that the regulations will be completed prior to the passage of the legislation through both Chambers. However I can give the Leader of the Opposition an assurance that we will endeavour to have the regulations as nearly complete as possible prior to proclamation. Between the time the Bill leaves this Chamber and the measure is proclaimed we will certainly be able to

let any member have a look at some of the regulations. Alternatively, members will be able to see the regulations progressively as we frame them.

Sir Charles Court: Do you have a target date for proclamation?

Mr. MAY: No.

Sir Charles Court: Do you have a rough idea. Would it be June, 1973?

Mr. MAY: We are thinking of the 1st January, 1973, if possible. We want to have this proclaimed by the 1st January but it will be dependent on the progress of the regulations.

Clause put and passed.

Clauses 3 to 7 put and passed.

Clause 8: Interpretation—

Mr. I. W. MANNING: I want to make some reference to the definition of "minerals," because there has definitely been a considerable widening in the variety of minerals which have now been brought under the Mining Act.

Mr. May: I have on the notice paper an amendment to clause 8 at page 4, line 7.

The CHAIRMAN: The honourable member is talking generally to the clause.

Mr. I. W. MANNING: I am making a general reference to the clause. We are now bringing within the ambit of the definition of "minerals" such things as gravel, shale, sand, clay, limestone, rock and evaporites. I am sure the Minister would be aware of the impact of bringing materials of this nature under the classification of "minerals". I merely wonder if this is what he is actually setting out to do.

What actually happens is that there are a number of private landholders throughout the State who are engaged in the business of quarrying. The prominent materials, of course, are sand, gravel, and limestone. I am not only referring to limestone as a building material but to limestone which is used for quite a variety of purposes, including roadmaking metal, and this type of thing.

I would prefer to call these materials. If they are now to be declared minerals and to come within the ambit of the Mining Act this will create some considerable misgivings in the minds of people who are operating this type of business.

I merely wonder if the Minister is setting out to make it restrictive for people who are engaged in selling this type of material.

I might add I have a degree of sympathy for them. Of course, if land is good quality nobody is interested in these materials. The landholder is free to farm the land, if it is good land to farm and the type of country on which a person can make money. However, limestone outcrops on land make it a dead loss as a farming proposition. The only way to make money out of that land is to put it to the use to which it is most suited and to sell the materials.

The same applies very much to gravel and sand. The higher the quality of sand for particular purposes, the greater its value for sale. Conversely, it is useless, agriculturally. If bringing these materials under this heading is designed to restrict this activity, it will seriously interfere with the livelihood of landholders who hold land which is not of great agricultural value, but of considerable value for other purposes. I would be interested to hear the Minister say whether this is the case. If my assessment is correct, this creates misgivings in my mind. I know that throughout the length and breadth of the south-west there is country which is of poor agricultural value, but which has some considerable value commercially from the sale of materials on it.

Mr. THOMPSON: On that same point, I would like to add to what the member for Wellington has just said. I should also like to quote a couple of instances. The Shire of Kalamunda has arrangements with people who now extract sand for building purposes to use the excavations for sanitary land fill. After it has been filled the fill is covered with sand and the ground is restored. It is a good arrangement and works well for all concerned.

If the sand is to be regarded as a mineral and to be dealt with under the Mining Act, as I see it there will be no provision for the local authority to have any control in this regard. To that extent, I would like the Minister to comment and perhaps even agree to make some modification to allow for this.

In the near metropolitan area a number of people now extract sand. They own the land and extract the sand. When the legislation comes into effect, someone else could peg it and virtually put the others out of business. Perhaps the Minister would comment on this point.

We also have the situation, particularly along the Darling escarpment, where huge quantities of stone, granite, and diorite, are being used for building purposes. The Shire of Kalamunda, in particular, has been very careful to ensure that there is no further damage to the escarpment. If this material comes under the control of the Minister for Mines under the administration of this Act, it will preclude the local authority from having any control over that.

Mr. MAY: The apprehensions expressed by both the member for Wellington and the member for Darling Range are not in accordance with the provisions of the Bill. I will endeavour to explain the reasons.

Originally we received representations from the extractive industries to bring all quarrying and this type of work under one department or authority.

To refer to the points raised by the member for Wellington, if land is cultivated in any way a landowner has no areas for concern at all, because he is protected.

As I mentioned earlier, we had a number of representations from local authorities, and it may be as well to place on record what we decided to advise those authorities. With your permission, Mr. Chairman, I will read out portion of a letter we sent to nearly all local authorities. It says—

> The local knowledge that Councils have of local attitudes, planning, safety, conservation, and rehabilitation requirements is fully appreciated and for this reason close collaboration with Local Authorities is intended in regard to the extractive industry. It is hoped that these Authorities will co-operate so that such knowledge will be utilised to the benefit of all concerned.
>
> Quarrying is primarily a mining operation, the safe-working and inspection of which is controlled under the Mines Regulation Act, administered by the Mines Department, which also has authority under the Mining Act to grant mining tenements for minerals on private land and quarrying areas for stone, sand and gravel on Crown land.
>
> The Lands Department, under the Land Act, may also authorise the extraction of these substances from Crown land, while under section 235 of the Local Government Act, Shire Councils which make by-laws accordingly, may prohibit or regulate only that part of the extractive industry which is on private land.
>
> This three-way divided and overlapping control is not satisfactory and I would point out that a large number of Shire Councils have no interest in this matter and have not made any by-laws to prohibit or regulate excavations in their districts, nor have they adopted the Model By-laws.
>
> Of the two Departments concerned, only the Mines Department has the established organisation of Mining Engineers/Inspectors of Mines, Geologists and registration facilities—

I impress the point of registration facilities in particular. To continue—

> —necessary to exercise over-all control, and the Government considers that it is appropriate for these operations to be placed under that Department.

That is the reason we wrote to the shires. We wished to indicate that at present there is an overlapping of authority between three separate organisations—the Lands Department, the local authority, and the Mines Department. The Mines Department is already in charge of safety, because of the Mines Regulations Act. We felt it better to enable all these extractive industries to make an approach to one authority. It was not particularly important who it was so long as there was an authority which could control all phases of the quarrying situation.

The extractive industry suggested the Mines Department because of mine safety. The industry felt that the Mines Department had the necessary registration areas to cater for this.

Mr. Lewis: How will that affect a local authority getting, say, gravel?

Mr. MAY: It would not affect the local authority. It would not alter that situation one bit. The member for Darling Range referred to rehabilitation and this would come under the local authority in the particular area. All the Mines Department would do would be to authorise the mining tenement. It is not correct to say that somebody in preference to the owner could be granted a mining tenement. There is a two-year lapse. Obviously it would be within the jurisdiction of the Mines Department to consider the owner of the land in comparison with somebody else. Let me just say that this request for uniformity came from the extractive industry.

Sir Charles Court: I wish to ask one question: You said that a local authority would have the same rights as it has at the moment in connection with excavation and filling in. I do not think that is quite the situation.

Mr. MAY: This comes under the safety Act. The land would have to be left in reasonable condition.

Sir Charles Court: I thought you said earlier that it would still rest with the local authority.

Mr. MAY: There will be close liaison between local authorities and the Mines Department as to the particular type of excavation. We would not allow mining tenements indiscriminately. We would endeavour to ensure that the sand or gravel was not being dissipated unwisely.

Sir Charles Court: Perhaps the Minister will clear up this question: There are many people within 20 miles of here who own properties and have a private arrangement with a soil or sand contractor. These people are paid for the sand or soil by a lump sum or on a royalty basis. Once this comes under the administration of the Mines Department, these people fear that they will lose the right to sell the sand unless they apply for a mining tenement.

Mr. MAY: The same situation applies with limestone. In the Cockburn area the limestone had to be safeguarded as the area was required for Housing Commission and industrial development. The industry concerned made an approach to the Mines Department. This area is a buffer area and trouble would arise if more limestone were taken.

Mr. O'Connor: That is a different position.

Mr. MAY: It is a similar situation. We cannot allow for every contingency in the Bill. Obviously the Mines Department will endeavour to safeguard areas such as these.

Mr. O'Neil: What we are getting at is that these materials may become the property of the Crown rather than the property of the owner of the land.

Mr. MAY: All minerals are owned by the Crown.

Mr. O'Neil: At the moment these are not minerals.

Mr. MAY: Is it not incumbent on the State to ensure that there is no dissipation of these commodities? One local authority could use up all its resources of one commodity and go somewhere else. It is our idea to have uniformity so that the sand and gravel are not dissipated from particular areas. The building of the causeway from Rockingham to Garden Island is a similar case. A particular company had to be stopped from mining limestone because of a detrimental effect on a buffer area.

Sir Charles Court: I do not think I got my point across.

Mr. MAY: I got the point but I was searching for an answer.

Sir Charles Court: A person may have two acres of land which is suitable for sand extraction—in fact, extraction may even improve the contour. People who own land often have agreements with contractors to leave the land in a certain condition. The owner receives payment in a lump sum or at so much per cubic yard. As I understand the present Bill, the owners will get compensation if the land has been injuriously affected, but they will not receive a royalty. This query is now being raised as people are beginning to understand the legislation—the knowledge is filtering through rather belatedly from the local authorities.

Mr. MAY: I indicate once again that the Mines Department is endeavouring to provide uniformity. This particular instance will be looked at very closely. Excavators must hold a license, and if the licenses are issued by one body we will have uniformity. When the Mines Department has collected all the information it will liaise with the local authority and decide whether or not to grant a license.

Mr. I. W. MANNING: I would like to preface my remarks by expressing my appreciation to the Minister for the explanation he has given. However, he hardens my concern on a particular point. Except where land has been held since before 1898—if that is the correct date—

Sir Charles Court: It is 1899.

Mr. I. W. MANNING: —the landholder does not have the opportunity to sell the minerals commercially. If he has a pre-1898 title, then he may dispose of the minerals, with the exception, of course, of gold, silver, and precious metals.

If the definition of "minerals" is extended to include sand, gravel, and limestone, landholders will not have the right to sell these materials. Does the Minister realise that a number of landholders who are presently selling material from their land will be put out of business?

I said earlier and I will just briefly repeat it, landholders who own land which has no agricultural value, are able to offset this fact by selling materials such as sand and limestone. I would like to feel sure that the Minister appreciates what he in doing when he extends the Mining Act to include what we may term minor minerals.

Mr. O'CONNOR: Whilst I realise there is a great deal of co-operation in regard to this legislation, I also share the concern of the member for Wellington. I know a number of elderly people who make a living out of a sand pit purchased some years ago. If this legislation goes through in the manner suggested by the Minister, I believe that a number of these people could be adversely affected. The Minister indicated that there will be a two-year period before any action can be taken.

Mr. May: Currently landholders have to obtain a license from the local authority. There will now be a two-year period from the time they relinquish their license with the local authority until it comes under the Mining Act.

Mr. O'CONNOR: If that is the case I take it that it will operate as for any other mineral after a two-year period?

Mr. May: Landowners will go to the Mines Department for licensing in the same manner as they now go to the local authority.

Mr. O'CONNOR: I do not deny that sand is a mineral, but will it be treated the same as gold? In other words, if a person pegged a claim on the land after a two-year period he would virtually be entitled to it.

Mr. May: Not necessarily.

Mr. O'CONNOR: Of course this would be so if it was rural land, or was used for grazing cattle. However, it must be borne in mind that many sand pits do not come

into this category. My concern is that a crafty individual could go around pegging claims for his own benefit after the time had expired. This would be to the detriment of people who had bought these properties to provide for their later years. The Minister may be able to answer this, because if this is the position I feel he will share our concern.

Mr. MAY: If landholders wish to excavate the land they must obtain a license from the local authority. We want to bring every application to cart or excavate sand, under one authority. With the proposed legislation the landholders would have two years to change their licenses.

The honourable member said that someone could come in and peg a claim or a tenement with the possibility that such a person may gain precedence over someone else. If the landholder has two years to change his license, surely to goodness he can take the necessary action to have security of tenure within this period of time?

Mr. O'Connor: Some people are inclined to miss these things when they get on in years.

Mr. MAY: We cannot provide legislation for everybody.

Mr. O'Connor: I realise this.

Mr. MAY: We may eventually face the situation of running out of sand and gravel in the metropolitan area. Orderly development of these areas will be a step in the right direction. The point is that landholders presently have to obtain licenses and they have a two-year transitional period to obtain security of tenure. The licenses will be administered by one authority so that the amount of excavation is supervised. The local authorities will appreciate that there will be close liaison between them and the Mines Department. I feel that the local authorities will be in favour of this legislation when they realise its merits.

Mr. W. A. MANNING: I would ask the Minister for an explanation of this point: Soil is specifically excluded, and yet sand and clay are included.

In this State we have what are termed sandy and clay soils. At what point does sand or clay become soil? Who shall decide where the dividing line is? In this clause it is important, because one definition is included and the other is excluded. Can the Minister clarify this?

Mr. MAY: Sand is normally termed as something in which nothing can be grown. Plants can be grown in soil. I admit it is a fine line of demarcation.

Mr. BLAIKIE: I share the concern that has been expressed by the member for Wellington, and also I can see the point raised by the member for Narrogin concerning the definition of "soil". I appreciate the point the Minister is trying to make, but whilst this applies mainly to the metropolitan area my concern is basically in regard to country areas. The Minister did say it would be necessary to have a license to excavate.

Mr. May: It is necessary to have one now.

Mr. BLAIKIE: How many local authorities in Western Australia have adopted this system under their by-laws?

Mr. May: I cannot answer that question, but it is all the more reason why it should come under the one authority.

Mr. BLAIKIE: Local authorities are probably well aware of this, and the license to excavate could be one of the prohibiting factors. This is why the Minister probably has had a flood of objections in regard to this subject.

Mr. May: Only about 40 out of 138 local authorities have these by-laws.

Mr. BLAIKIE: And probably all of those are in the metropolitan area.

Mr. May: Not necessarily, because the letter I read out a while ago was from the local authority at Quairading. If the honourable member will look at the situation broadly he will realise that what we are trying to bring into effect will assist the local authorities.

Mr. Reid: Are you not endeavouring to protect only the mining interests?

Mr. MAY: We are not endeavouring to protect the mining interests. We are trying to ensure uniformity of authority and that a particular area is not mined out to the detriment of the State.

Mr. Reid: This gets very close to the protection of the environment.

Mr. MAY: The definition of "environment" is fairly wide, but this provision is to protect natural resources rather than the environment.

Sir Charles Court: Environmental protection legislation is covered in clause 6.

Mr. THOMPSON: I would like the Minister to clarify the point I raised earlier. I am referring to the local authority that wants to co-operate with people who are extracting sand for the purpose of using the excavation for sanitary land fill. The Minister has said that this legislation would not interfere with that arrangement, but we are concerned about what the law will say concerning the local authority that has entered into such an arrangement with some other person. Whilst I appreciate that the Minister is at present sympathetic towards such a course of action by the local authority, the law that will be put into effect may prohibit such action.

Mr. MAY: I can only reiterate what I said earlier. I think the same situation would apply under the mines safety regulations. We could debar a local authority from acting in any particular area, but because of the close liaison between the Mines Department and the local authorities, the situation is considered on its merits.

Mr. Thompson: But is not that different? The control you have now is exercised only under a safety regulation.

Mr. MAY: Yes, but that regulation is prescribed under an Act.

Mr. Thompson: But you could hardly prevent a local authority carrying on with the operation I have mentioned under that provision.

Mr. MAY: It is the law. The honourable member has said that if it is the law we could do this. We could do it now. We could say to the local authority, "Your bank is too high, and because of that no more excavation is to take place." Under the law we could take such action, but we do not.

Mr. O'NEIL: I have noticed with interest how members have got around the Standing Orders by speaking three times on one issue by means of long interjections. But that is by the way. I think the point we are trying to get across to the Minister is that, currently, the materials about which we are speaking are not minerals. They are part and parcel of the land which is owned by the property owner, and subject to a permit being granted he can sell those materials in his own interests.

Mr. May: Subject to his getting a license.

Mr. O'NEIL: Provided he obtains a permit and abides by the by-laws he may sell these materials and dispose of them. We ourselves encountered some trouble with a local authority which, by virtue of issuing a permit to extract such materials, endangered two rather important industries within its boundaries; brickmaking was one and moulding sands was another. There is some merit in the Mines Department having the final say in regard to the extraction of these particular materials.

The point we are making is that if these materials become minerals, as defined in the Act, they become the property of the Crown. What we want to know is that if a permit is issued by the Mines Department at present will the rewards for these materials go to the owner of the property, because he will not own the materials?

Sir Charles Court: The rewards will not go to him now.

Mr. O'NEIL: Yes, under this provision they will not go to him now. Secondly, is there any likelihood, where a permit is issued by the Mines Department in the future to dispose of these materials, that royalties will be required to be paid to the Crown in respect of them? These are the points we are concerned about.

Those on this side of the Chamber see a need for the conservation of these extracted or extractive materials, but we fear that the individual person's ownership of his own land is being further eroded, and the capacity to use the materials in his own interests is also being eroded.

Mr. MAY: Firstly, it is not the intention of this Bill to extract royalties from such people. Obviously compensation will be paid for any materials taken from a private person's land. I appreciate that members opposite are trying to protect the rights of the private individual. However, he has to obtain a license now through the Mines Department and by taking out that license he is afforded protection.

Mr. O'Neil: Some do not need a license. There are many local authorities that do not have these by-laws.

Mr. MAY: That is so. There are 40 out of 138. There again, I point out that there is need for uniformity because in other local authorities' areas materials could be excavated to the detriment of the State. Compensation will be paid to the person from whose land this material is taken. Such a person has a two year-period in which to take out this permit. Therefore, I cannot see any reason for members of the Opposition becoming apprehensive.

Point of Order

Sir CHARLES COURT: On a point of order, Mr. Chairman, I want to clarify the situation that exists under Standing Order 164, in view of the fact that many clauses are extremely complex and some of us will be involved in various parts of a clause.

To avoid any misunderstanding at a later stage could I obtain your ruling? Under the Standing Order I have mentioned it states—

> OTHER BILLS—
>
> Minister or Member in Charge . . . periods unspecified

That is understandable, because the Minister must be able to reply to all and sundry. I continue to quote—

> Any other Member—three periods each on any one question—

Do I take it that if there is a series of amendments, or a series of parts within a clause under discussion, they will be regarded as being a question on their own, and a member will not have to sit down because he has spoken three times on one clause? If, for instance, there were 12 amendments in each clause, he could make three speeches on each question.

The CHAIRMAN: During the Committee stage of this Bill this evening I have been very lenient, because the Bill is important, and I have not objected to interjections provided they were for the purpose of clarifying a particular point. Whilst we progress in this vein we will get through the clauses quite comfortably.

Committee Resumed

Mr. MAY: I move an amendment—

Page 4, lines 7 to 27—Substitute for the definition "Crown land"—

The CHAIRMAN: The Minister will have to move his amendment in two parts.

Mr. MAY: Very well. I move an amendment—

Page 4, lines 7 to 27—Delete the definition "Crown land" with a view to substituting another definition.

Sir CHARLES COURT: The Minister has many amendments on the notice paper that have been studied by the Opposition and, in the main, there is not a great deal of serious argument in regard to most of them. However, I believe that, for the sake of the record, and in view of the fact that this Bill will become very important before its passage is concluded through both Chambers, it would be desirable when the Minister introduces his amendment for the deletion of words or the insertion of words to give the reason for their deletion or insertion.

Most of us have done a fair amount of study on the Bill, but it will be confusing to people who study this legislation later if they do not have a concise explanation of the reason for the insertion of the new definition.

Mr. May: It is my intention to do that.

Amendment put and passed.

Mr. MAY: I move an amendment—

Page 4—Substitute the following for the definition deleted:—

"Crown land" means all land in the State except—

(a) land that has been reserved for or dedicated to any public purpose, other than land reserved and designated for Public Utility or commons for any purpose under the Land Act, 1933;

(b) land that has been lawfully granted or contracted to be granted in fee simple by or on behalf of the Crown;

(c) land that is subject to any lease granted by or on behalf of the Crown for any purpose other than a pastoral or timber purpose;

The reason for this amendment is to simplify the definition of "Crown land" and to remove from it the foreshore and sea bed specifically provided for in clause 29.

Amendment put and passed.

Sir CHARLES COURT: I move an amendment—

Page 4, line 30—Delete the word "labour" with a view to substituting the word "expenditure".

This is not a momentous amendment, but I submit it in all sincerity as being a sensible one. In the past we have had a traditional reference to labour conditions because this was the determining and critical factor in the holding of a mining tenement. It was something which in certain areas was policed very closely, but not so closely in others.

In the light of modern experience, and especially in view of the large tonnage industrial minerals such as iron ore and the multi-million investment in mining areas, it becomes farcical to talk about the old labour conditions. It is completely impracticable to have a spread of the work force over each part of the area to comply technically with the old Act but in the total overall area there were many more than required.

Mr. Hartrey: You then had consolidation of labour.

Sir CHARLES COURT: Yes. However, in the modern concept of some of the industrial minerals we do not get that. With a capital-intensive industry it is an entirely different concept of mining. The emphasis, as I understand it from the Minister's introduction and from the Bill itself, in future will be on a number of conditions the most important of which will be expenditure. True there will have to be some conditions about the type of expenditure because the amount of money spent on its own is not the determining factor in the merit of exploration or mining work being done. I believe it is more appropriate to refer to this as expenditure conditions and thus get away from the old slavish reference to labour conditions. I do not know whether the Minister can suggest a better word. There must be an alternative word, but having racked my brains I must admit I had the firm conviction that it was better to use the more modern word, "expenditure."

Mr. HARTREY: I wish to oppose this proposition. The expression "labour conditions" is very familiar in the mining industry, and while what the Leader of the Opposition has said is quite true, from many points of view this is a fundamental difference which will arise and keep on arising throughout the whole of the discussion on this legislation. There are big people in this business and the Leader of the Opposition has reminded us of this. Millions of dollars have been invested and

many millions will be employed, and the expenditure will be mighty important to some of the people he represents, but not necessarily to the people I represent. I am speaking on behalf of the goldmining districts.

Sir Charles Court: We happen to represent them all.

Mr. HARTREY: We do not think so where I come from. How many of his party are elected by the eastern goldfields?

Sir Charles Court: How many of your party are elected in Dalkeith? That is how silly your question is.

Mr. HARTREY: Dalkeith has no interest in the mining industry. We have a good deal. I want to make it quite clear that the Act we have now is quite popular where I come from and if it is drastically amended it will not be very popular at all. We must consider not only the past, but the future, and our future lies with gold rather than with base metals, the price of which has fallen to pieces in the last 18 months. The price of gold is going up rapidly. Prospectors, quite humble but experienced and good industrial people, are now taking up small holdings under the old Act and they expect to be bound by labour conditions.

In the interests of prospectors on the goldfields and in the interests of the goldmining industry generally, I object to the amendment.

Mr. THOMPSON: I support the amendment because I believe that it more correctly describes what is required. Surely if a person submits his labour, he is in fact expending something. I believe it could be prescribed that a certain amount of labour amounts to a certain amount of expenditure, and this would be more in keeping with the other operations under the Act.

We are in the process of compiling a new Mining Act and surely to goodness we should bring it up to date in terms and definitions as well as in every other respect.

Mr. MAY: I cannot agree with the reasoning of the member for Darling Range, although I appreciate it. We must realise that the expenditure is for work done. I studied this when I went to the eastern goldfields because at that time we were thinking of deleting the labour conditions, but we cannot. The expenditure is for the amount of work performed.

We made a thorough investigation of the report of the committee of inquiry and although we agreed with many of its submissions and recommendations we did not go along with all of them. I do not want it to be said that I quoted one aspect in favour of what I was submitting but did not quote another aspect which was not in accordance with what I was putting forward. However, I point out that in this regard throughout its comments the report mentions work and labour as well as expenditure. On page 22, the report said—

> To ensure that ground is worked there should be an expenditure condition. . . .

On page 26 the report reads—

> As far as a prospecting license is concerned we consider that the expenditure condition should not be any more than the value of the labour of an individual prospector . . . If he only takes up one he can hold it merely by his own labour.

Mr. O'Connor: I think the Leader of the Opposition was looking for a more modern term.

Mr. MAY: I would not say it is outdated. I am looking for a more liberal term too. We were unable to come up with a suitable term. Expenditure is for work or labour performed and I oppose the amendment.

Sir CHARLES COURT: As I said at the outset this is not a nation-shattering item, but we are trying to compile a modern Mining Act.

On page 94 of its report the inquiry referred to this in very brief but, I believe, very sensible and practical terms, because the whole concept has changed. The member for Boulder-Dundas is thinking in terms of a "dream time" in the mining industry. I hope those he referred to will continue to prosper.

Mr. Hartrey: They will.

Sir CHARLES COURT: Today we are dealing with a total industry which has taken on an entirely different character. It is my responsibility to make it clear that the time has come when we should get away from these old out-moded terms. I believe the explanation given in the report of the committee of inquiry as to how to overcome this question of expenditure where labour is involved is a very sensible one.

As I said, I will not make a great issue of this, but I do believe it would be good sense if we substituted "expenditure" which will be the dominating factor in the future. It would be desirable to find a more neutral term so far as labour and expenditure are concerned, more in keeping with the modern situation.

We must accept that the type of exploration and prospecting work to be done will bear no relationship to the work done in the days when a few men with their rather primitive geology, important though it was, did the prospecting. That does not have very much bearing on the development and the prospecting we will see in the future.

Having made my point I do not intend to press the amendment, but I think the Minister would be well advised to try to

find another term altogether because "labour conditions" will look quite incongruous.

Mr. GRAYDEN: I cannot for the life of me understand why the Minister is not prepared to accept such a simple amendment. It is an infinitely more modern way of expressing the situation. The whole purpose of the exercise is to bring the mining legislation up to date and this is precisely what the Leader of the Opposition is trying to do.

We all know the situation in respect of labour conditions. We have all sorts of mining tenements, mineral claims, and mineral leases and we have had these since mining legislation was first introduced in this State. It has been possible to get exemptions from working conditions. The situation was different in, for instance, tinmining where people vied with each other to obtain the tenements available. In those circumstances the wardens declined to grant exemptions from labour conditions. However, as far as the majority of the mining tenements are concerned, exemptions have always been granted. We could point to thousands of acres in Western Australia which have not been worked since they were first pegged some 20, 30, or more years ago. Application has been made for exemption. That is the standard procedure. It is mockery to talk in terms of labour conditions in connection with those mining tenements. The amendment would be much more to the point in every way.

Mr. Hartrey: You are emphasising the importance of capital as against labour.

Mr. GRAYDEN: It does not do that at all. There would not be a company involved in mining in Western Australia which would still be in operation if it could not apply for and obtain exemption from labour conditions. Companies could not possibly comply with labour conditions laid down in the Act as it stands.

The mining industry in Western Australia has been able to flourish only because people have been able to obtain exemption from labour conditions. It is desirable that they should be able to apply for such exemption.

We can take the example of B.H.P., a great steel industry in Australia. That company mines ore in a series of huge open cuts scattered throughout the Commonwealth. One ingredient which that company uses is manganese of which there is a relatively limited supply in Australia. The B.H.P. company has pegged claims over the last 30 years but has not worked many of them. They are regarded as stockpiles. That company should not be compelled to work those small manganese deposits. Is it not infinitely better to have the manganese in stockpiles, still in the ground, throughout the State?

It is reasonable to amend the Bill as suggested by the Leader of the Opposition, and replace the words "labour conditions" with the words "expenditure conditions." I cannot see why the Minister is not prepared to accept this simple amendment. The Minister's attitude illustrates his reluctance to see any change or alteration to the Bill. The amendment will not deprive the Mines Department of one cent, and it will not affect the measure adversely in any way.

The proposed amendments which appear on the notice paper are extremely reasonable. They have not all been put forward by members of the Opposition only; industry generally desires them. Amendments have been put forward by the Chamber of Mines, prospecting organisations, and various companies. The interpretation reads as follows:—

> "labour conditions" in relation to a mining privilege means the prescribed conditions applicable to a mining privilege that require the employment of men or the expenditure of money on or in connection with the mining privilege or the mining operations carried out thereon or proposed to be so carried out;

Mr. Hartrey: The mining operations will be carried out by labour.

Mr. GRAYDEN: Yes, but the emphasis is on labour conditions instead of on expenditure. Ever since we have had a Mining Act in Western Australia the great majority of mineral claims, and other forms of tenements, have not been worked because people have applied for exemption from labour conditions. In those circumstances I think it is farcical to continue in that vein and continue to refer to labour conditions.

Even before the last Act was drafted and promulgated in 1904, other Acts covered mining in this State. We had the situation around Kalgoorlie where individuals had extremely small areas; a few feet one way by a few feet the other way. When thousands of individuals were working on alluvial gold there had to be stringent labour conditions. However, that sort of thinking went out at the beginning of this century. People now hold relatively large areas of land in various forms of tenements and they apply for exemption from labour conditions. It seems quite reasonable to ensure that people do work the various tenements for which they apply, not physically but by expenditure.

The CHAIRMAN: Order! The honourable member has two minutes left.

Mr. GRAYDEN: People who hold mining tenements throughout Western Australia do so in the knowledge that they will employ individuals to do the required work. In those circumstances I think this Committee should accept the amendment put

forward by the Leader of the Opposition. We should delete the words "labour conditions" and insert in lieu, "expenditure conditions." That is a reasonable amendment and I hope the Committee will agree to it.

Amendment put and negatived.

Progress

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

TOWN PLANNING

Address: Statement by Speaker

THE SPEAKER (Mr. Norton): I have been asked by the Minister for Town Planning to remind members that there will be an address on town planning in the common room tomorrow afternoon.

House Adjourned at 10.12 p.m.

Legislative Council

Wednesday, the 23rd August, 1972

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

QUESTION WITHOUT NOTICE

POLICE OFFICER

Resignation and Re-employment

The Hon. A. F. GRIFFITH, to the Minister for Police:

I gave the Minister for Police notice of this question yesterday evening. It arises from the debate that took place last night on the Traffic Act Amendment Bill (No. 2). I will put my question in simple terms, as follows:—

(1) Can he tell me whether there is anything to prevent an officer, who was employed in the Police Force and who resigned to become either a traffic inspector with some local authority, or for some other reason, from rejoining the Police Force?

(2) If not, what are the reasons for his being unable to rejoin?

The Hon. J. DOLAN replied:

The Leader of the Opposition was good enough to give me notice of the question, but I think I should repeat it because he has added a little to it today.

The question he intended to ask was—

In the event of a member of the Police Force resigning from the force, is there any rule or regulation which prevents his re-employment in the force?

My reply is as follows:—

No. The selection of applicants for the Police Force is the prerogative of the Commissioner of Police on the advice of the Police Selection Board. In considering re-employment of police officers who have previously resigned, due regard would be given to previous conduct, diligence, and efficiency, to the reason and circumstances of resignation, and to his future potential as a police officer in comparison with other applicants.

When traffic control is surrendered by a country local authority, favourable consideration is given to the recruitment of traffic inspectors in the Police Force irrespective of whether they were previously employed as police officers or not.

The Hon. A. F. GRIFFITH, to the Minister for Police:

Can he appreciate how grateful I feel for his anticipating the reason behind my question? The reason I did not ask for was given as an answer to a "Dorothy Dix" question. I made reference in my question as to whether the officer might be employed.

The Hon. A. F. Griffth: Apparently I am not to get an answer to my question.

The PRESIDENT: The Leader of the Opposition was not asking a question; he was making a statement. I rule there is no question to answer.

The Hon. A. F. Griffith: Mr. President, that is one way of getting rid of a member's question.

The PRESIDENT: The Leader of the Opposition thanked the Minister for answering his question without asking another question.

The Hon. A. F. Griffith: I will let the matter drop. I do not think you were listening.

QUESTIONS (13): ON NOTICE

1. W.A. TEACHERS CREDIT SOCIETY

Interest Rates

The Hon. L. A. LOGAN, to the Leader of the House:

With reference to the publication *The Western Teacher* of Thursday, 17th August, 1972, in which appears an advertisement an-