be a lesser necessity to dispose of, by burning or whatever means might be taken, or sell the goods; and, thirdly, and perhaps more importantly, the convenience to the public. In any case, in the absence of any arrangements such as those, I have no objection to the Bill and accordingly support the second reading.

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.

House adjourned at 5.53 p.m.

Legislative Council

Tuesday, the 19th September, 1961

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

QUESTIONS ON NOTICE

NATIVES

Liability for Taxation

1. The Hon. J. D. TEAHAN asked the Minister for Mines:

   (1) Is a native not possessing citizenship rights liable to pay—
   (a) Income tax; and
   (b) Land tax?

Taxation Deductions

   (2) Is a person who employs a native not possessing citizenship rights liable to make taxation deductions from wages paid to such native?

The Hon. A. F. GRIFFITH replied:

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

(2) Yes.

ENEABBA TOWNSITE

Survey, and Availability of Blocks

2. The Hon. A. L. LOTON (for The Hon. A. R. Jones) asked the Minister for Local Government:

   (1) Has the townsite of Eneabba been surveyed and pegged?

   (2) If the answer to No. (1) is "Yes," when will blocks be made available for purchase?

The Hon. L. A. LOGAN replied:

(1) Yes.

(2) Eneabba Lots 5, 6, 8 and 9 are now available for sale for residential purposes; Lots 50 and 51 are available for sale for business purposes, and Lot 53 is available for sale for the purpose of a "School Bus Depot."

LEAVE OF ABSENCE

On motion by The Hon. F. R. H. Lavery, leave of absence for six consecutive sittings granted to The Hon. E. M. Davies (West) on the ground of ill-health.

DIVIDING FENCES BILL

In Committee, etc.

Resumed from the 12th September. The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 5: Interpretation—

The CHAIRMAN: Progress was reported after the clause had been partly considered.

The Hon. N. E. BAXTER: I move an amendment—

> Page 4, lines 32 to 37—Delete all words after the word "any" down to and including the word "Act," and substitute the following:—"any substantial fence reasonably deemed sufficient to resist the trespass of great and small stock including sheep, but

not including goats and pigs, and in every case where any dispute on the hearing of a complaint or information or on the trial of an action shall arise as to the sufficiency of any fence the question shall be settled by a Court of Petty Sessions."

As I pointed out previously, I do not like the words "ordinarily capable" contained in paragraph (c) of the definition of "sufficient fence". To my way of thinking—and perhaps to the way of thinking of those who have only a scant knowledge of English—the word "capable" used in connection with a fence or any inanimate object does not appear to be good English. I believe that the wording in the Cattle Trespass, Fencing, and Impounding Act clearly sets out the meaning of what should be considered a sufficient fence. I think the words used in that Act would lead to less argument than the use of the word "capable" in this particular measure.

I might also point out that paragraph (b) contains words almost on a par with those contained in the Cattle Trespass, Fencing, and Impounding Act.

The Hon. L. A. LOGAN: Mr. Baxter has referred to similar words used in the Cattle Trespass, Fencing, and Impounding Act. The definition required under the Dividing Fences Bill is not the same as that required under the Cattle Trespass, Fencing, and Impounding Act. I cannot see where the use of the words "ordinarily capable" can be termed bad English. The honourable member might say that he is ordinarily capable of doing a certain job. He might say the chair in which he is sitting is ordinarily capable of holding him in that position. The word "capable" is, I think, the correct approach. We have had several instances of members criticising the draftsman for the number of words used in a Bill to describe something. Here we have a description that is dealt with in three lines. Mr. Baxter now wishes to insert an amendment which takes up approximately eleven lines.

The Hon. N. E. Baxter: Nine lines against six.

The Hon. L. A. LOGAN: But the honourable member is still adding extra lines. The issue depends on whether the words "ordinarily capable" are sufficiently good English, or whether we should revert to words used in the "Cattle Trespass, Fencing, and Impounding Act." I consider that the wording of the clause is quite sufficient

The Hon. J. G. HISLOP: I would appreciate the Minister explaining where this clause is meant to apply. It seems to me that it could apply to a municipality; but further down it rather suggests that it applies to an area where no by-law exists. It seems to me that it might be much better if it applied only to places where there is no by-law. There are also the words "or agreement"; that is, an agreement made between two individuals as to the type of fence to be erected. If this clause applies to municipalities and closer settlements, I doubt whether the use of the word "agreement" is wise. I think this should be restricted to areas where there is no by-law.

The Hon. L. A. LOGAN: Under the new Local Government Act, all local governments are municipalities; and under that Act provision is made for municipalities to make by-laws. If they all made a by-law, then paragraph (c) would not be applicable; and paragraph (d) would apply only where there had not been an agreement reached between two individuals, or where a local government by-law did not exist. It would then have to be a "sufficient fence" determined by a court, and a fence that is "ordinarily capable of resisting the trespass of cattle and sheep." Paragraph (c) would apply mainly in agricultural areas where it is difficult to decide upon a standard. A fence determined by a court would mainly apply in the built-up areas.

The Hon. H. K. WATSON: If one reads clause 16, one finds it simply refers to a "sufficient fence"; it does not discriminate between a fence in a suburban district and a fence in a pastoral area. It seems to me that this is a weakness in the legislation. It would clarify the matter if it provided for regulations and specifications in respect to dividing fences on residential properties; and for an entirely separate set of regulations, specifications, and so on, for agricultural and pastoral properties. We are given to understand that the definition of "sufficient fence" means a dividing fence or a boundary fence of any kind. It does not specify residential or pastoral, but any fence prescribed by a by-law under the Local Government Act.

I would like the Minister to enlighten me on the question whether a local authority, when promulgating a by-law, will divide it into different sections. Take, for instance, the Wagin municipality. Would that municipality bring down a by-law saying that in respect of town blocks a "sufficient fence" shall be so-and-so; but in respect of farming properties a "sufficient fence" shall be such-and-such? Unless that is done there is liable to be confusion.

The Hon. F. J. S. Wise: I think it is all covered in paragraph (e) of section 210 of the Local Government Act.

The Hon. H. K. WATSON: It seems to me that paragraph (c) refers only to country subdivisions; whereas (d) seems to refer to metropolitan properties or even country town properties. It is not at all clear to me.

The Hon. F. J. S. WISE: I think Mr. Watson had in front of him the Local Government Act; and I think his queries could be answered by a reference to paragraph (e) of section 210 of that Act.

The Hon. N. E. BAXTER: I would point out to the Minister that my amendment does not deal only with fences that are substantial enough to resist the trespass of stock. The amendment could apply to any fence in any municipality. The court has been operating for years under the same wording as is contained in my amendment, and nobody has shot holes through it. If it has stood the test of time for so many years, I think it should be good enough to be included in the Bill.

The Hon. L. A. LOGAN: I am not going to argue the point any further, but I think Mr. Watson's argument could be used to support the argument I advanced the other evening in regard to the difficulty of drawing up by-laws. I will admit that section 210 of the Local Government Act gives a local authority the power to draw up by-laws, but the Gosnells Road Board—that is, when it was a road board—introduced by-laws to cover fencing in only one particular part of its district, namely, the Thornlie area. As Mr. Loton said the other night, in the Victorian Act the definition covers 11 different types of fences; and whether a local authority intends to divide its area into 11 different sections and prescribe a "sufficient fence" for each section, is not for me to say.

However, it is a difficult question, and that is why we have left the Bill fairly open and have not made it mandatory for local authorities to make by-laws. Where there are no by-laws, and agreement cannot be reached, it is for the court to decide. I believe the words in the Bill amply cover the situation.

Amendment put and negatived.

Clause put and passed.

Clauses 6 to 8 put and passed.

Clause 9: Proceedings in default of agreement—

The Hon. L. A. LOGAN: Members will recall that when speaking to the second reading, Mr. Wise made some reference to long boundary fence lines and cases where there would be no need for fences. To try to overcome the problem, I move an amendment—

> Page 5, line 29—Insert after the paragraph designation (a) the words "as to the need for".

This will give the court the power to say whether there is any need for the construction of a fence.

Amendment put and passed.

The Hon. L. A. LOGAN: I move an amendment—

> Page 6, line 6—Insert after the paragraph designation (d) the words "as to the need for and".

This is a consequential amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10 put and passed.

Clause 11: Cases where owner of adjoining land cannot be found—

The Hon. A. L. LOTON: Clause 11 deals with cases where the owner of adjoining land cannot be found and where the owner of land satisfies the court of petty sessions that he proposes to construct a dividing fence. At the time he may not be able to find the adjoining owner, so he goes to the court which orders that a certain type of fence be erected along a certain line. The person who has approached the court erects the fence and later the owner of the adjoining property comes to light, applies to the same court, and asks for a variation of the order. It is that with which I disagree.

If the owner of the adjoining property was not available, surely the person who approached the court and secured an order should not be liable for the whole cost of the removal of the fence! The court should have power to assess the cost proportionately. Clause 9 says that the order of a court of petty sessions is final.

The Hon. L. A. Logan: That is on appeal.

The Hon. A. L. LOTON: But that is not in the case of a dividing fence when the owner of the adjoining property cannot be located. For that reason I move an amendment—

> Page 8, lines 12 and 13—Delete the words "the whole or any" and substitute the word "a".

The Hon. L. A. LOGAN: I think the reason for this provision is that after the court has granted an order for the erection of a fence, the absentee owner may return and find that the case presented to the court was based on false premises. In other words, the person who made application to the court did not tell the truth, and because of this the absentee owner still has to pay. Taking out the word "whole" will nullify the court's order and stultify any action the court might wish to take; particularly if it wishes to rectify a mistake.

The Hon. H. K. WATSON: I consider the Minister has presented a fair case, but the one weakness is that, in the case of a man who obtains an order by false representation, provision is made for the order to be rescinded. The Bill is too general in its terms; and if the magistrate is to have power to rescind an order, the clause should contain some reason or state the circumstances in which he may wholly rescind the order. The provisions of the Bill are so general that a man may be able to put up a good tale of financial stringency and get away with it. I agree with Mr. Loton. If a man acts in good faith on the order of the court, he should not be subject to the risk of having that order rescinded—not wholly, anyhow.

The Hon. N. E. BAXTER: I support the amendment. Let us consider the example of a man who obtains an order from the court to erect the fence and who puts up his case on the facts as they were at the

time; but when the owner of the adjoining property returns, the circumstances might be quite different: there might be a complete transformation. For instance, if a fence were erected on the line of a brook, the person erecting that fence might have erected it along the only line possible. While the adjoining owner cannot be found, the brook may alter its course; and yet the latter can apply to the court and have the court's order rescinded, and the man who erected the fence would have to bear the entire cost. The amendment moved by Mr. Loton would help solve the difficulty.

The Hon. G. C. MacKINNON: I think Mr. Watson's suggestion should be followed. There should be some further explanation because, as the provision stands at the moment, it is quite unreal. The reasons and the circumstances under which the court may rescind the order should be included.

The Hon. A. L. LOTON: I do not altogether agree with the Minister. There is nothing to stop the court making an inspection if it has any doubt about the *bona fides* of the person who has made application to it. In the case of a dividing line, either an inspection could be made or a surveyor's report called for. As Mr. Baxter pointed out, brooks change their courses from year to year, and the circumstances could change while the absentee owner could not be found. Apart from this, it would be impossible in some of the rougher outcrops of the hills areas to erect a fence on a straight line, and the court would decide the direction in which the fence was to run. I think we should accept the *bona fides* of the person making application to the court, and the absentee owner of the adjoining property should not have the right to go to the court and get its order rescinded.

The Hon. L. A. LOGAN: We must appreciate that the court would not vary its order to any large extent, or relieve the absentee owner of all responsibility unless it had grave reason for doing so. By taking out the word "whole" we would nullify the order of the court. It does not matter to me whether the word "whole" is in or not, but its removal will stultify the actions of the court. This clause has been taken from the New South Wales and Victorian Acts, and there is no instruction in those Acts as to when it shall apply.

The Hon. A. L. Loton: That does not mean their Acts are perfect.

The Hon. L. A. LOGAN: That is so. I oppose the amendment.

Amendment put and passed.

The Hon. L. A. LOGAN: I move an amendment

Page 8—Insert after subclause (5) in lines 18 to 23 the following new subclauses:—

(6) Where an owner has obtained an *ex parte* order under subsection (1) of this section he shall, within fourteen days, give or cause to be given to the clerk of the council of the municipality of the district in which the fence referred to in that order is to be constructed, a copy of that order, and if the owner fails to comply with this subsection he is not entitled to recover any portion of the cost of constructing the fence from the owner to whom the copy of the order is given under this section.

(7) Where a copy of an order has been given to the clerk of a council in accordance with the provisions of subsection (6) of this section, the clerk shall record details of the order in the register of orders that the council is required to keep pursuant to section six hundred and ninety-four of the Local Government Act, 1960 as if the order were an order relating to the land of the owner whose whereabouts cannot be ascertained, and in respect of which land the fence is to be constructed, made by the council under the provisions of that Act.

This amendment is to ensure that when an order is made, the shire council is notified of the order. This will enable the order to be placed on the records of the council and shown, in the rate book, against the property concerned. The purpose is to provide information for anyone who wishes to purchase the property at some future date. The only point that may be raised by members is in regard to whether the time allowed should be a fortnight or three weeks; but I think we should place a time limit during which the council should be notified of the position by the owner.

The Hon. A. L. LOTON: I note that in this amendment the Minister has allowed 14 days for the order to be lodged. Because there are times when holidays, particularly the Easter holidays, consist of practically a week, I feel that it would be better for 21 days to be allowed.

The Hon. L. A. LOGAN: I am quite willing to alter the 14 days to 21 days if the Committee agrees.

The CHAIRMAN (The Hon. W. R. Hall): The Minister seeks the leave of the Committee to amend this amendment. Has the honourable member permission?

Leave granted.

Amendment, as altered, put and passed.

Clause, as amended, put and passed.

Clauses 12 to 23 put and passed.

New clause 24—

The Hon. L. A. LOGAN: I move—

Page 17—Insert after clause 23 in lines 6 to 13 the following new clause:—

24. The council of a municipality constituted under the provisions of the Local Government

Act, 1960, shall when required by the Minister for Local Government, make for the purpose of interpreting "sufficient fence" in section four of this Act, a by-law under paragraph (e) of section 210 of the Local Government Act, 1960.

I mentioned previously that I was prepared to make an amendment whereby the Minister could require local authorities to make a by-law in regard to fencing. It has been suggested that the Local Government Act be amended for this purpose, but as I do not know whether that Act will be amended this session, I am seeking to have this clause inserted in the present Bill. It will give power to the Minister to require a local authority to make a by-law describing a sufficient fence.

The Hon. N. E. BAXTER: Would the Minister advise us how he will decide which local authority he will require to make these by-laws? Is he going to wait for an argument to arise or pick them at random?

The Hon. L. A. LOGAN: Naturally I would not require Halls Creek to make a by-law unless there was some controversy raging up there. I would not even do so in the metropolitan area unless there was some dissension between owners, or if the court could not make up its mind, or it was finding difficulty in doing so. The proviso will be in the Act if it is needed.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

BILLS (3): RECEIPT AND FIRST READING

1. Fruit Cases Act Amendment Bill.
2. Coogee-Kwinana (Deviation) Railway Bill.

   Bills received from the Assembly; and, on motions by The Hon. A. F. Griffith (Minister for Mines), read a first time.

3. Metropolitan (Perth) Passenger Transport Trust Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

HEALTH EDUCATION COUNCIL ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.28 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to widen still further the existing very wide field of representation on the Health Education Council by providing for direct representation of the Australian Dental Association (W.A. Branch) on this body.

The Health Education Council which has just recently become operative following upon the 1958 legislation, is a statutory body consisting of 17 members. Four of these are permanent *ex officio* councillors, whose appointments are terminable by the Minister for Health. Of these four, three are officers of the Public Health Department; namely, the commissioner, the under secretary, and one other officer—currently, Dr. D. J. R. Snow. So the council, while remaining a body corporate and being responsible for its own finances, is bound closely to the Public Health Department. The fourth *ex officio* member is an officer of the Education Department.

The remaining thirteen nominee councillors represent, generally, medical interests, local government, interested bodies such as the Parents & Citizens' Federation, Country Women's Association, the Press, and radio. Eight nominee members were initially appointed for a term of three years, and five for two years, with the proviso that all future nominee appointments be for a three-year term.

The functions of the council, as members will see by reference to section 8 of the Act, are to promote, maintain, and improve, by means of health education, the health of the people of the State. The council is empowered to work through committees. These at present comprise a finance committee, a teaching aids committee, and a dental health committee. Additionally, the council has been authorised, under the provisions of the Act, to co-opt any persons as members of such committees.

The Australian Dental Association has representation on two of these committees. The services of the association have always been readily available to the council, and the Education Council has valued its guidance on some aspects of health education. The technical assistance of the Dental Association has been co-opted from time to time, so we see that close liaison already exists between the two bodies. It is believed, however, that there would be an advantage in the Australian Dental Association enjoying full membership.

It may be of interest to members if I let them know that of 12,595 children examined by members of the Mobile Dental Service, 7,079 were treated, with parental consent, during 1959. The dental service comprises a staff of 15 under an administrator, with two metropolitan dental officers, three whose work is equally divided between the metropolitan area and the country, and nine full-time country officers. During the term to which these figures refer—and they are culled from the most recently tabled report—no less

than 179 schools were visited: 143 in the country, 13 in the metropolitan area, 10 native missions, and 13 orphanages.

The work required to be done, as might be expected, consisted to a large extent, of fillings, of which 8,393 were silver amalgam, 1,653 copper amalgam, 1,365 cement amalgam, and 721 porcelain amalgam. There were 1,428 silver nitrate treatments and no less than 5,544 other conservative treatments. In addition, notifications were received of a further 500 children who were being treated by private dentists.

Last, but by no means least, is the surprising fact that of all parents circularised regarding the availability of this convenient dental service, no less than 925 parents completely ignored the notices. This indicates in itself the wide scope existing for the health education of the people in the dental sphere, and points to the desirability of the association being represented on the Education Council.

Members will notice that this legislation is subject to proclamation should this measure be passed, and I commend it to all members. The intervening period before the Act is proclaimed will enable the Dental Association to nominate its nominee, and permit him to be duly appointed—likewise his deputy—when the amended Act comes into operation.

I shall quote from a report covering the period from the 9th May to the 30th June, 1959, in order to let members know the names of the organisations that were originally invited by the Minister for Health to nominate representatives to the council. These are the organisations: The Parents & Citizens' Federation; the Red Cross Society; the Employers' Federation; the Local Government Association; the Country Women's Association; the Newspaper Proprietors' Association; the Australian Broadcasting Commission; the British Medical Association; Trades Hall; the Federation of Commercial Broadcasting Stations; the University of Western Australia; the Education Department; the Department of Public Health. Mr. W. J. Lucas was appointed chairman. The report to which I have referred has been tabled, so it is available to members.

Debate adjourned, on motion by The Hon. J. G. Hislop.

FIRE BRIGADES ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.35 p.m.]: I move—

That the Bill be now read a second time.

In introducting this measure, I believe it will be of benefit to members if I let them have a little background to the establishment of the Fire Brigades Board. Prior to the consolidation of the parent Act in 1942 there were ten fire districts operating in the metropolitan area. One of the main purposes of the 1942 amendments, incorporated in the consolidation of the Act, was for the establishment of a single fire authority in the metropolitan area. With the passing of that measure, additional powers were conferred on the Chief Officer of Fire Brigades. Up to that time, the chief officer could only submit a complaint to some authority regarding the existence of a fire hazard.

The purpose of the 1942 amendment in this regard was to empower him to make an order—one might say a preventive order—and to see that it could be effectuated—by prosecution, if necessary. That is a brief background to the Act as it stood then.

Later on—in 1959—the board was empowered to direct the owner or occupier of premises to install equipment, apparatus, and appliances considered necessary for the purpose of the prevention of a fire, for the extinguishing of fires, and for the prevention of injury or damage to persons or property by fire.

It eventuated that last July twelve months, the board requested the Crown Law Department to take out a prosecution against a firm for non-compliance with an order duly issued under the relevant section introduced in 1959, namely, section 25A of the Act.

It was as a result of this request that a particular weakness in the structure of the section came to light. The department advised the board that the section did not, in its present form, impose any obligation whatsoever on the owner or occupier of premises to comply with the terms of notices issued pursuant to the provisions of subsection (1) of that section.

Bearing in mind the general background surrounding the introduction of the Bush Fires Act, it was unquestionably the intention of Parliament that the section introduced in 1959 should give effective power to the board to see that its requirements were carried out. It is with a view to rectifying the position and strengthening the Act to enable the board to function as a positive body that this very necessary amendment is placed before members for their consideration.

It is considered that the most effective means of achieving this result is by the insertion of the brief amendment to section 72 of the Act, which concerns provision for penalties and offences. The insertion of the words proposed in this section will provide the overall power necessary for the positive administration of the Act by the board, and I commend this Bill to members.

One honourable member asked me to ascertain for him the number of orders issued by the board and some of the costs

of the orders. I have not the information at the moment, but I will probably have it when the Bill is in Committee.

Debate adjourned, on motion by The Hon. J. D. Teahan.

UNAUTHORISED DOCUMENTS BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.39 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to put a stop to certain questionable practices prevalent in the debt collecting business. These occur in conjunction with the unauthorised use of the Royal or other Coat of Arms and in the distribution of false documents. Such practices by debt-collecting firms are long standing, as an inspection of the official Crown Law Department files has disclosed.

The subterfuges resorted to by some firms over the past 50 years, or more, will be explained to members as I proceed. They are obviously designed to mislead debtors into believing that recovery action is in judicial hands when, in fact, it is not.

Specimens of such false documents as have come under the notice of the Attorney-General present on typically tinted paper an almost identical representation of the genuine documents issued from local courts of the State under the authority of State statutes. Furthermore, some of these spurious notices carry, if not the Royal Coat of Arms, counterfeit imitations of the Royal Arms.

There is no doubt that the prime object of these undesirable practices is to strike a fear of impending court proceedings into the hearts of debtors when, apparently, such proceedings are not, at that stage, warranted. For, if such proceedings were warranted, it could be expected that the delivery of the proper documents by the courts would be sought by these agencies.

The Law Society has made repeated representations, and also several of our clerks of court have pressed for something to be done to put a stop to these unfair means of achieving an otherwise desirable purpose. Such premature action by debt-collecting firms could well induce in the honest debtor, doing his best to meet some of his outstanding accounts, feelings of despair. This is particularly so when we view his position in parallel with the glamorous presentation of the advantages to be gained by the individual through purchasing under the cash order system, hire purchase, or charge accounts, which are made readily available to all and sundry. As a result of the present-day approach to these matters, it has eventuated that the number of debtors in our community is legion.

Members might agree that it would be very disheartening for a member of the community, using his best endeavours to regain his financial stability, to see his hopes dashed to the ground with the prospect of added court charges. He would be quite justified in feeling that he was being most unfairly treated, for he would know when he eventually found out that the documents he received were spurious, that the action they indicated was barely justified. When it is justified, the collecting firms no doubt see to it that official documents are delivered. It is not as though it were a case of mistaken identity: rather is it a blatant camouflage by an unauthorised use of official procedures.

The Hon. F. R. H. Lavery: We have heard the word "camouflage" before.

The Hon. A. F. GRIFFITH: So have I, but in this case it is quite genuine.

The Hon. F. J. S. Wise: It is quite safe to say it at this moment, too.

The Hon. A. F. GRIFFITH: Yes.

The Hon. E. M. Heenan: You have added the word "camouflage" to your vocabulary.

The Hon. A. F. GRIFFITH: Yes, I have on this occasion; and it fits the purpose.

Various collecting firms send out these notices on paper of exactly the same blue tint as is used by the local courts. One example read: "Sealed with our seal. Clerk of Courts," just as though it were a normal prosecution under the Local Courts Act. Were its import not of such serious consequence to the individual, the entire set-up would be quite laughable. For instance, in one case there was an alleged summons that was followed in five days' time by a warrant of execution on the same nice blue spurious form. It is high time something was done about this; and, as I said when introducing this measure, the passage of this Bill will put an end to it.

The provisions of this measure would declare the unauthorised use of the Royal or other Arms: that the issue, use, or the false or misleading process is an offence. A provision has been included by which proceedings under this measure, when it becomes law, shall not be commenced against any individual without the certificate of the Attorney-General, so that every case, before proceedings are taken, can be investigated, and there will be no frivolous proceedings taken by some individual.

That means that a prosecution for an offence under this legislation will, first of all, have to be authorised by the Attorney-General; there will not be hasty proceedings initiated by some person or other.

The penalties provided are not excessive. There is a penalty of £20 for unlawfully using the Royal Arms or any colourable imitation thereof. The onus of proving

that a person has authority to use the Royal Arms shall lie upon the person charged because, obviously, only a person with authority should use those particular insignia. A rather higher penalty is provided for the distribution of documents, as previously explained to members, and again proceedings may not be taken without the certificate of the Attorney-General.

The wording of the Bill ensures that a man cannot be charged twice for the same offence. The final clause states—

> Nothing in this Act shall be held to affect any other proceedings, civil or criminal, which might have been taken against any person if this Act had not been passed, but a person shall not be punished for the same offence under any such proceeding and under this Act.

The intention of the Bill is quite clear, and the need for its passing is equally clear. Its provisions are reasonable enough to warrant its acceptance, and I commend it to members.

Debate adjourned, on motion by The Hon. E. M. Heenan.

PIG INDUSTRY COMPENSATION ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.47 p.m.]: I move—

> That the Bill be now read a second time.

This Bill provides for a minor amendment of the Pig Industry Compensation Act, 1942-1957. The parent Act was introduced in 1942 for the establishment of a fund for the payment of compensation to the owners of pigs destroyed because of disease, or which had died of swine fever, or in respect of carcases declared unfit for human consumption, as set out in section 6 of the Act.

The fund held at the Treasury is in a healthy condition and stands at £13,643, as at 31st July last. This is in addition to £100,000 previously invested. The fund has the Pig Stamp Duty as its only source of revenue. With a view to effecting an economy in the administration of the Act, an amendment was passed in 1957 enabling livestock agents to make monthly payments of stamp duty by cheque, supported by statements of sales made on behalf of owners. Five large stock firms have been operating smoothly under these new conditions.

The purpose of this amendment is to extend these provisions to large processing firms. Although these firms are the purchasers from owners or their agents and are not selling agents, as provided for in the parent legislation, and consequently have not been liable for the payment of the duty, they have, in practice, been doing so for a number of years as a service to the owners.

It is intended to apply the provisions of this amendment to the two largest processing firms, which between them handle the greater proportion of the State's bacon pigs, or to such others as the Minister from time to time decides. Extension of the provisions to numerous small operators is not considered practicable on the basis of supervision and control overheads. I commend the measure to members.

THE HON. F. J. S. WISE (North) [5.49 p.m.]: I took the opportunity to study this Bill and its effect on the parent Act, together with the amendment that was made in 1957. It is a subject that interests me because I happened to be the Minister who introduced the original legislation to provide this pig industry fund. The Bill merely seeks to give to the processors of pigs the same right, in regard to the payment of duties, as persons or firms connected with the wholesale selling of pigs under the hammer have at present under the amendment of 1957.

The Bill will mean that there should be not only a resultant benefit to the firms concerned, but also an easement of a great deal of the finicky work connected with returns that have to be made immediately on processing, because the Bill provides, instead, that these returns shall be made periodically, although regularly. This should mean a reduction in administrative costs. The fund is in a healthy condition, a large sum having been transferred and invested; and an extremely substantial liquid sum is being held in the fund. I support the Bill.

THE HON. A. L. LOTON (South) [5.51 p.m.]: Following on the Minister's introductory speech and the further remarks by Mr. Wise in explanation of the objects of the Bill in regard to reducing administrative costs and making the general administration more simple, this section of the House supports 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.

ALUMINA REFINERY AGREEMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.53 p.m.]: I move—

> That the Bill be now read a second time.

The Bill has come to this House from another place seeking approval and ratification of an agreement entered into by the State with a firm known as Western Aluminium No Liability, which firm is desirous of mining for bauxite and producing alumina at a refinery to be constructed at Kwinana industrial area.

Before proceeding with an explanation of the many terms of the agreement set out in the schedule, I desire to let members know some of the reasons which prompted the Government to press for an early agreement for the mining of our bauxite. Further, it is a matter of considerable regret to all concerned that the entire treatment of bauxite into aluminium is not to be carried out in this State, and I am desirous of letting members know the reasons why it is not possible.

The Government has pressed on to achieve this early decision in the full knowledge of the tremendous and rapid advances being made in New Zealand in the construction of hydro-electric and thermal-powered generating plant. Of the more important proposals in this connection there is one which affects Western Australian bauxite in particular, and that is a project which aims to produce 280,000 kilowatts of electricity by 1966 and ultimately to produce 600,000 kilowatts by diversion of the water from Lake Manapouri to Dusky Sound. This project is to be put in hand by the company which is to own and operate an aluminium smelting plant. The bauxite for this project will be obtained from Queensland. The smelter will be established at Bluff, in New Zealand, adjacent to a readily-developed source of hydro-electric power.

An even more threatening challenge to our now long-dormant deposits of bauxite came with the recent Calwell policy announcement that were he returned to power in the Commonwealth sphere, he would endeavour to establish a partnership between the Australian and New Zealand Governments to process Australian bauxite into aluminium in New Zealand. This may not be regarded as a specially-urgent reason for our pressing on, but it presents a threatening reason in the light of the possibility of his views being shared by other people in the Eastern States.

For fear that I may be misunderstood on this point, the remarks I made concerning Mr. Calwell are not, so far as I am concerned, intended to be a political jolt, but merely to point out that Mr. Calwell, as the Federal Leader of the Opposition, realised that in respect to the Weipa bauxite deposits in Queensland there would be the necessity to transport the raw materials to New Zealand for treatment and, in contradistinction to that, Western Aluminium No Liability has discovered these huge deposits of coal at Anglesea, Victoria, upon which its industries will be developed. It is to the company's credit that it has been energetic enough to at least be able to secure the whole of the industry for Australia; although it is disappointing to us that the whole of the industry will not be conducted within Western Australia.

I may avoid some confusion later if I digress at this point. Members might refer to page 18 of the schedule containing the measures which the Government has taken to restrict the amount of bauxite which may be exported, and which are clearly set out in subclause (8).

Of the total proven deposits of about 80,000,000 tons, and discounting other deposits not yet proven, the figure of 2,560,000 tons which may be exported over a period of seven years is a very small percentage of the proven deposit. The maximum quantity which may be exported in any one year is 500,000 tons, there being an overriding clause which gives the Government complete power to say what amount may be exported after the termination of the seven-year period.

The inclusion of this authorisation to export presented the Government with a strong negotiating point with the Alcoa Company. The earlier negotiations indicated a very slender possibility and certainly no probability of the company coming here. That was the atmosphere in the early stages of negotiation.

The question arose as to whether we would agree to allow the company to work these deposits in its own interests and in the interests of our economy during the period of the establishment of the refinery, or whether we were to say that no stone would be turned in those intervening years. The seven-year period was the period which, at that time, appeared to be the full duration of time covered by the negotiations, and the commencement and completion of the construction of the alumina refinery.

Turning back now to the circumstances which have prevented the full treatment of bauxite to aluminium being undertaken in our own State, the requirements of the company were that electric power would need to be available at a cost of no more than ½d. per unit. We are aware that there are places where such power can be produced at this figure, although this State is not able to produce electricity at anywhere near that price, at present. Were there even a remote possibility of the Government obtaining cheap enough coal anywhere in the State to enable it to produce electric power to sell at ½d. per unit, we would be on equal bargaining terms with these other places, but—more important—every consumer of electricity in Western Australia would be in a better position than he is now. As it is, the company has found its own source of cheap power in another centre, to our loss.

This aspect of the agreement could be debated at great length without the State benefiting in any way. We must not overemphasise the State's disabilities in this direction. Other negotiations concerning other industries could be affected as a result, despite the fact that in respect of the new coal contracts we were able to effect a small saving to the electricity consumers in this State.

The Hon. G. Bennetts: There was not much of a saving at Esperance. The people there pay 1s. 6d. a unit.

The Hon. A. F. GRIFFITH: The supply of electricity at Esperance does not depend on coal. I shall now endeavour to explain to members the more important points of agreement, but prior to doing so, would invite attention to clause 3 of the Bill which may be interpreted to mean no more or no less than its wording conveys; namely, that the agreement, the subject of the schedule to the Act, is actually part of the Act. The words in clause 3 can give no greater power to the clauses of the agreement than that existing in those clauses.

Clause 4 of the Bill indicates the need for other legislation to deal with the railway deviation at the refinery site, and later with the Mundijong to Kwinana railway. We received a message earlier this afternoon in respect of that Bill. The reference to the Coogee to Kwinana railway appears on page six under "Works Site."

The works site, which is defined on the plan marked "A" which is available to members, will cover an area of approximately 137 acres at Kwinana. The area will be subject to some adjustment in size after provision has been made for the deviation of the road and railway in accordance with clause 3 of the agreement. The rail deviation will be the subject of a special Bill.

Following the deviation, the existing road and railway bisecting the works site will be closed to general traffic. This is provided for in the ratifying Bill. The company is responsible for a contribution towards the cost of the construction of the deviation road and railway equivalent to the extent of the cost which would be incurred if a road and railway comparable with the existing road and railway within the works site boundaries were built at the same time; in other words, at current day costs.

Also, the company will pay to the Commissioner of Main Roads an agreed proportion of the total cost incurred by the Main Roads Department in constructing the road approaches to the deviation road from the existing main Perth-Naval Base Road, and of acquiring necessary land for that purpose. Without the deviation of road and rail, the works site would be unsuitable for the purposes of the refinery.

The reference to the Mundijong to Kwinana railway commences in clause 10 of the agreement on page 20. The company was most anxious to have rail facilities; and it is envisaged that, ultimately, the ore will be carried from Mundijong to Kwinana works site along approximately the route known in the Stephenson Plan from Mundijong to Kwinana. When this line is agreed to, the company is obligated to use it for not less than 30 years; and, unless otherwise agreed, it will use these rail facilities exclusively for transport of ore from the leased area to the works site.

Pending the completion of this railway known as the direct railway, arrangements can be made for the use of what is known as the existing railway, i.e., from Mundijong *via* Armadale and Jandakot.

The schedule which contains the agreement provides that the refinery is to be commenced before the 31st March, 1965, and completed before the 31st March, 1967. This includes all necessary ancillary buildings, works, plant, equipment, services, and wharf. It is estimated to cost £5,000,000 and to produce not less than 120,000 tons of alumina a year.

While the company is at liberty under the agreement to seek extensions of these dates, there are already clear indications that the refinery will be completed quicker than earlier intended, and that the overall expenditure will be more like £10,000,000 on the erection of the refinery, installing the wharves, etc., and in opening up and equipping the bauxite deposits. Earlier expectations regarding expansion also seem to have very promising prospects because the company now expects that the refinery will, as the business develops, expand substantially beyond the initial size intended.

Consequently, the substantial financial responsibilities accepted by the company, as set out in clause 4 of the agreement on page eight, in return for the opportunity to work the bauxite at reasonable royalties, represent the minimum of our expectations. It is now the objective of the company to commence work on the refinery site before the end of this year and to complete it in two and a half years. Early ratification of the agreement is accordingly desirable.

In effect, there is the promising prospect of the refinery being completed and in operation on a date earlier than the latest date for commencement to which the company is legally liable.

The Hon. F. J. S. Wise: You mentioned the date of completion as being 1967. The agreement provides for that. However, exports to the tonnage you mentioned can proceed immediately this agreement is ratified.

The Hon. A. F. GRIFFITH: Exports can proceed without this agreement.

The Hon. F. J. S. Wise: Under the agreement, until the year of production exports can proceed.

The Hon. A. F. GRIFFITH: They would still be limited to seven years.

The Hon. F. J. S. Wise: In accordance with the tonnages you mentioned.

The Hon. A. F. GRIFFITH: Yes, because the tonnages are mentioned in the agreement.

The Hon. F. J. S. Wise: To a tonnage of 2,500,000 in seven years.

The Hon. A. F. GRIFFITH: Yes. I cannot give the exact figures at this stage. In my capacity as Minister for Mines, and with the consent of the Government, I gave the company permission to export sample shipments of bauxite to Japan for the purposes of these negotiations.

The Hon. F. J. S. Wise: The point I am raising is that exports go on concurrently with the construction of the treatment works.

The Hon. A. F. GRIFFITH: Yes; or the exports could commence before, as in fact they have. Export of the ore could be granted without the agreement. It stands to the credit of the company, as a result of its negotiations with the Alcoa Company of America, that the possibility of constructing a refinery in the period I have mentioned is very real. There was a bit of a race to finalise these negotiations, because of the competition from the bauxite deposits in Queensland. We were fortunate in getting as far as we did. I shall check up on the information to ensure that what I have told the honourable member is correct.

Paragraph (b) at the head of page nine was the cause of some debate in another place regarding the possible creation of a nuisance. The intention of the inclusion of this paragraph is to prevent the creation of a nuisance. This is done by placing an obligation on the company to construct the refinery to comply with accepted modern practice in relation to refineries for the production of alumina. The Government has been assured that this particular industry does not produce a great nuisance. The main problem is the disposal of the effluent in the form of red mud and the sands. These are dealt with at length in clause 6 of the agreement on page 11 and over to page 12 where it appears in subclause (4) that the obligation of the company, after filling to within 2 feet of the level with iron oxide, is to reclaim over this with sands only, to ensure that each portion of the land will support buildings for light industry.

This procedure will be carried over 10-acre lots; and experience in other parts of the world has indicated that such procedure will produce building areas capable of carrying buildings up to three storeys, so providing additional areas for the establishment of light industries.

The company will construct wharves at a site to be determined in conjunction with the Fremantle Harbour Trust. Likewise, the design and method of construction will be in consultation with the Fremantle Harbour Trust. For this purpose the company has to retain a recognised firm of consultants.

Access to the wharf site will be given over a strip of land 300 ft. wide. The company has to construct the wharf and associated facilities at its own cost and maintain them. The wharves will belong to the State but the company will have the use of them, free of rental or licence fee, during the currency of the agreement. There is provision in subclause (5) of clause 5 for the use of the wharves by others in certain cases.

The provisions made in clause 7 of the agreement with respect to dredging will relieve the State of half of its dredging costs in respect of the main channel below 30 ft., under the B.H.P. agreement, because B.H.P. is already committed to pay 50 per cent. of that cost. In effect then, the State would be responsible for dredging to a depth of 30 ft. below water level, but the company will pay one-quarter of the cost of any deeper dredging, but only to the depth required under the provisions of the B.H.P. Act, or, if not so required, to a depth as mutually agreed between the Western Aluminium Company and the Government.

It is provided that the company will pay half of the cost of other dredging required below 30 ft., i.e., from the main channel to the wharf, in respect of the swinging basin. The State will be responsible for normal maintenance dredging.

Harbour charges are clearly set out on page 14, provision being made for the rates to vary according to the changes in Fremantle Harbour Trust charges. The trust is quite agreeable to the rates negotiated; and, in like manner, the Commissioner of Railways requested the appropriate rates, as agreed, and set out clearly for members on page 23 of the agreement.

A very extensive area has been set aside as a temporary reserve which may be worked forthwith by the company for a period of five years; and, as soon as possible, a further area of approximately the same size, the subject of a separate survey, will be granted to the company at a rental of £2 10s. per annum for every square mile, which will bring in approximately £7,000 per annum.

The mining methods proposed are by open-cut methods commencing on the deposits in the vicinity of Jarrahdale. Bauxite is to be delivered by road trucks to the rail head, reduced by crushing there, and railed to storage at Kwinana for processing into alumina.

It goes, without saying, that the heads of all departments concerned in this enterprise—and there are many—and also their chief technical and professional advisers, are fully conversant with the methods of mining to be carried out, and their effect

upon the countryside and upon Governmental undertakings. The company has no inherent rights under the agreement to private property, but only over Crown lands as defined by the Mining Act.

The operating programme provides for effective afforestation, and the company is committed to provide fertilisers and trace elements. The £100 per acre to be paid by the company—and I refer here to clause 13 of the agreement on page 24—is considered to be sufficient to enable the department to see that effective reclamation and afforestation is carried out. It will interest members to know that regrowth has already commenced on areas worked as recently as 1960. Those were the areas which were worked to extract the export samples that we sent away. There is no question of the Conservator of Forests' satisfaction with the overall proposals in respect of his responsibilities.

All officers concerned have assured the Government regarding any dangers of erosion or diminution of run-off to any material degree. In these regards, there have been no reservations whatever.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. A. F. GRIFFITH: Before the tea suspension I had informed the House that the Conservator of Forests was satisfied with the conditions that are being imposed upon the company under this Bill; and also that the officers concerned had assured the Government in regard to any dangers from erosion or diminution of run-off to any material degree. In these regards there have been no reservations whatsoever.

I now wish to state that the provision of services such as electricity and water —clauses 14 and 15—is within the capacity of the appropriate instrumentalities. Normal rates for these services will be charged, and the huge quantities of electricity, in particular, will mean good business for the State Electricity Commission. There are many other points in the agreement, some more important than others, which members may desire to peruse, and about which I shall be only too pleased to make information available if requested during the course of the debate.

Before concluding, I would like to place on record the debt which this State owes to the Western Mining Corporation, not only in respect of this venture, but of others further afield. The Western Mining Corporation is a very active company and is pursuing the mineral wealth of this State to the best of its ability. It will be appreciated, of course, this is the same company as that with which the Government has entered into an agreement concerning the mining of iron ore from Tallering Peak.

May I say this to members: There is a necessity, because of certain obligations and domestic arrangements which the company has in connection with the securing of orders of the manufactured article—I refer to the manufacture of bauxite into alumina—to have this Bill ratified by the 21st October. This is necessary because the company has to give certain notices to people—notices of which I am unable to inform the House because they are obviously domestic matters and I do not want to affect the company's chances of concluding these domestic arrangements.

It is to be expected that members will seek an adjournment of this debate in order to have a look at the Bill; and such an adjournment will be granted. However, I would be grateful if members would assist me in securing the passing of the Bill in time to ratify the agreement by the 21st September, if at all possible.

The Hon. A. L. Loton: You previously said the 21st October.

The Hon. A. F. GRIFFITH: Thank you. The correct date is the 21st September. If the company is able to give the notices to which I have referred, then it will be possible for work on the plant to commence before the end of this year. I think it would be the desire of all of us to assist in that manner, if it is at all possible. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

MINING ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [7.36 p.m.]: I move—

That the Bill be now read a second time.

The Mining Act at present provides that mineral leases on Crown land may be granted for any mineral except gold, for which a specific title is provided. In regard to private land, it provides that mineral leases may be granted for such minerals as may, from time to time, be proclaimed. Over the years, this has meant that the Government has had to proclaim various minerals as they were discovered or applied for on private land.

The Bill is to amend the private property section of the Act to provide that titles for any mineral may be granted, as is the case in regard to mineral leases on Crown land. There should be no objection to this, as the Government can now, by proclamation, nominate any mineral wished to be included. But this takes time, and necessitates fresh action on each occasion.

I would like to assure the House that there is no ulterior motive in this matter. I have discussed it with my colleague, the Minister for Lands, as I realise that in

matters of this nature—there is an almost sudden rush of mineral development in the State—there is a necessity for the Lands Department and the Mines Department to work closely, one with the other. That is now being achieved.

The Minister for Lands has received an assurance that there will be no interference, but rather a spirit of co-operation. Therefore, this Bill is put forward to the House for consideration in order to simplify the matter of dealing with mineral titles on private land.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

PASTORAL LEASES: INQUIRY INTO RENEWAL

Motion

Debate resumed from the 29th August, on the following motion moved by The Hon. F. J. S. Wise:—

That in the opinion of this House, in the national interest, leases issued under the provisions of sections 90 to 115 inclusive, of the Land Act, 1933-1956, be not renewed until—

(1) a committee of inquiry has been set up, and, after full investigation, made a report and recommendations in connection with—

(a) the use, treatment and effective occupation of the areas comprised in the pastoral leases of the State;

(b) the condition of the country, its general prospect for permanent pastoral use, and how it has been affected by droughts, erosion, stocking, and vermin during the currency of the existing leases;

(c) the desirability of making provision in the Land Act for a new system of determining the size of pastoral leases, maximum and minimum, whether held by individuals or companies;

(d) whether any new provisions or amended provisions should be made in the Land Act in regard to methods of appraisement of rentals, and the powers of the Pastoral Appraisement Board.

(2) Parliament has been presented with the report and recommendations and the Land Act has been amended after full consideration of the recommendations of the committee and the likely needs of the State in the better use of our pastoral lands.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [7.40 p.m.]: This motion, which was moved by Mr. Wise, is one with which I am going to agree in principle. During the course of my remarks I am going to take the opportunity of commending that portion of the motion which I think deserves commendation, and of offering comment upon that portion of the motion which I think deserves comment. At the conclusion of my speech, I will move an amendment to the motion. After the reasons are explained, I think members will appreciate that the amendment will merely put the motion in more correct form. I will conclude my remarks in connection with the motion by submitting the amendment to the House and explaining my reasons for it

Mr. Wise, in presenting this motion to the House, did so by first offering comments which were based upon what a newspaper said concerning statements made by my colleague, the Minister for Lands. I will say this to the honourable member: For some reason or other, I could not find the article in *The West Australian* to which he referred, but it is of no great consequence, because it was a statement, as I think the honourable member told us, made by a spokesman from the Lands Department and not by the Minister himself.

However, I did find the reference which Mr. Wise made to an article in the *Sunday Times* of the 28th May, 1961. He correctly drew to our attention the fact that the Minister had been reported as having made certain statements in connection with his trip to Queensland. The principle reason I am going to agree with the motion is that it is in conformity in principle with what the Government has been doing for the last two and a half years. Therefore, there is no point at issue in respect of that matter. The Government has realised the importance of pastoral leases, and it has been very actively pursuing the question right up to the present time.

It is desired to correct the statement made by Mr. Wise in which he quoted the Minister as saying, "New leases are being eagerly awaited by big sheep and cattle concerns." It is true the Press report contained those words, but they did not come from the Minister. The article is headed, "New Move On W.A. Leases," and reads as follows:—

Plans for new leases for all Western Australia's huge pastoral holdings advanced another stage last night when the Minister for Lands, Mr. Bovell, left Perth for Queensland.

> The new leases are being eagerly awaited by big sheep and cattle concerns.

That is what the paper said, not what the Minister for Lands said.

The Hon. A. L. Loton: It was not contradicted.

The Hon. A. F. GRIFFITH: That is true. I am merely pointing out to the House, in my remarks on this motion, that there is a little misconception in that the conclusion can be drawn that the Minister wanted to rush in and do this in this current session of Parliament. That was not anticipated, nor intended.

The Hon. H. K. Watson: If you rushed in and contradicted everything that was in the Press, it would be a full-time job.

The Hon. A. F. GRIFFITH: Yes, it would be. This is what the Minister did say that night before he left—

> Before he left last night he said he would be studying at first hand Queensland's areas of holdings, conditions for improvements, and length of leases.
>
> Although the present leases did not expire until 1982 his department was anxious to make an early decision.
>
> Pastoralists wanted to know the new conditions of leases before making long-range development plans.
>
> This was particularly important in view of the recent £8 million proposal for the development of beef export roads in the Kimberley.
>
> Mr. Bovell has already inspected properties in the Kimberleys. No decision has been made on whether present leases will be reduced from the present one million acres to allow more concentrated development. New leases will need to be ratified by Parliament.

I explain that for the benefit of Mr. Wise and other members; and if the Press report was interpreted to the effect that the Minister was going to rush in and have that done in the present session, it was an erroneous impression. It was an erroneous impression because there are two ways in which these pastoral leases can be effected: one would be by legislation or resumption; and the other would be by a voluntary—what is the right word?—

The Hon. R. Thompson: Relinquishing?

The Hon. A. F. GRIFFITH: No—by an adjustment of the situation; and the Lands Act provides for it. The other quotation concerning the pastoral leases: that they did not expire until 1982; and that the Lands Department was anxious to make an early decision, is substantially correct. But the motion appears to imply that the Government has no regard for the importance of the lease conditions and the need for the revision. As I will point out, the contrary is the case. The Minister for Lands, the Minister for the North-West, and the Minister for Agriculture have conferred over a long period of time in connection with this important decision.

Mr. Wise went on to point out that he does not object to the currency of the new leases if granted for a period of up to 50 years from now; and he also expressed the opinion that he does not object to the new conditions being approved and implemented. I think the words he used were as follows:—

> I have no objection at all to leases being granted on the basis of a term of 50 years, although on a thorough examination it may be that the recommendations will be for a shorter period; and I have no objection, either, to their being reviewed in the next year or two.

Records show that following a visit to the north-west and the Kimberleys by the then Minister for Lands (The Hon. E. K. Hoar), and the then Solicitor-General (Mr. W. V. Fyfe)—

The Hon. H. K. Watson: You mean the Surveyor-General.

The Hon. A. F. GRIFFITH: Yes, the Surveyor-General—a report was submitted by the then Surveyor-General on the 26th June, 1957. I think it is interesting to see what Mr. Fyfe had to say on that occasion. He referred to his Minister—who was Mr. Hoar—a minute which comprised a page and a half of foolscap writing. In the last paragraph he pointed out—

> In recent years on several files I have referred to the desirability of action along these lines in 1962, when the pastoral leases would have only 20 years to run. But from what I have seen on the recent long journey through the pastoral areas, I am of the opinion that there should be no delay in commencing action along the lines in this report.

What does not appear urgent today was urgent in the mind of the then Surveyor-General (Mr. Fyfe) in 1957; and Mr. Hoar recognised the urgency, and he minuted the Surveyor-General and said—

> I think the above four points—

The Surveyor-General had made four points, and he felt that the pastoral leases could be dealt with in one or two ways: by resumption, or by agreement with the holders of the leases. He said—

> I think the above four points cover the main matters to be considered in future leases, unless greater emphasis can be made in regard to reseeding damaged areas. Will be pleased to see your further memorandum.

From that point on, the matter was referred to the Minister for the North-West, who was The Hon. H. C. Strickland. Mr.

Strickland expressed his view in a minute dated the 26th September, 1958, addressed to the Minister for Lands. He said—

> While the northern half of the State is locked up in pastoral leases, there cannot be any worth-while development and increased population. The proposal should be submitted to Cabinet for direction.

And it was submitted to Cabinet for direction; and, on the 13th of January, 1959—some long time afterwards—Cabinet appointed a Cabinet subcommittee comprising The Hons. J. T. Tonkin, H. C. Strickland, L. F. Kelly, and F. J. S. Wise to investigate proposals on this file for the voluntary conversion of the north-west pastoral leases. We therefore see that on that occasion a Parliamentary committee made up of members of Cabinet was the sort of committee that the previous Government had in mind. That was on the 13th of January, 1959. We then find this minute to the Minister for Lands from the Minister for Works—

> As you are aware, it has not been possible to have a meeting of this Cabinet subcommittee and a decision should not now be made. I am therefore returning the papers to you.

That was dated the 23rd of March, 1959. I would just—

The Hon. F. J. S. Wise: Do you remember the date of the election that year?

The Hon. A. F. GRIFFITH: Yes. I think the election had taken place a couple of days before that. I also remember, of course, that it was not possible to do certain other things.

The Hon. F. J. S. Wise: This motion was introduced without political thought. Why introduce this line of thought?

The Hon. A. F. GRIFFITH: I did not introduce that line of thought. It came from the honourable member himself. He asked me the date of the election. Up until that time I was merely relating—

The Hon. F. J. S. Wise: Don't quibble!

The Hon. A. F. GRIFFITH: I am not quibbling. I am merely taking the honourable member to the point where he took me; which is fair enough. He asked me the date of the election. I had simply related the fact; and as I go on I will develop the theme that this has been in the mind not only of the present Government but of the previous Government, and there is nothing new about it at all. That is the only point I had in mind in saying this.

The Hon. F. J. S. Wise: It was not.

The Hon. A. F. GRIFFITH: I am telling the honourable member that it was.

The Hon. F. J. S. Wise: We know you too well; but go on.

The Hon. A. F. GRIFFITH: It is a funny thing that as soon as I strike some point with which the honourable member does not agree he becomes disagreeable.

The Hon. F. J. S. Wise: I think you must agree that I am the most agreeable person you have ever dealt with.

The Hon. A. F. GRIFFITH: We all become disagreeable at times. I will go on as agreeably as I set out to be when I began to reply to this motion.

It was considered then—I repeat, it was considered then; and rightly so, too—that a full investigation should be made into the position of the future pastoral leases in the north-west; and there is a legal and moral commitment by the Government, and Parliament, concerning present pastoral leases to 1982. It was substantially agreed that any approach towards a new agreement, or alteration to the conditions, would be by agreement, with respect to the pastoral leases, on a voluntary basis; and that is the same sort of basis that the present Minister for Lands has been pursuing with the Minister for Agriculture, and the Minister for the North-West, for the last couple of years or so.

I would like to say this: I think it would be wrong in principle to proceed with any other opinion in mind than that this should be a voluntary conversion; because, after all, these people have these leases legally until 1982.

The Hon. H. K. Watson: And they have contractual rights.

The Hon. A. F. GRIFFITH: Yes; and they want to know how far their contractual rights extend beyond 1982. To continue, developmental investigation continued: and, on the 5th September, 1958, a report by the then Surveyor-General was submitted to the then Minister for Lands (Mr. Kelly) for proposals for the voluntary conversion of pastoral leases. This report included such matters as tenure, rent provisions, improvement conditions, stock conditions, carrying capacities, and such other matters as relief because of drought, preservation of natural flora, and so on.

As I have said, it was not until the 22nd December, 1958, that Mr. Kelly submitted the matter to Cabinet, and a subcommittee of four Cabinet Ministers was appointed to investigate the proposals for the voluntary conversion of the north-west pastoral leases. Until the date that I gave, which is the 23rd March, 1959, no further comment occurs; for the obvious reason that there was not time to do anything then: and the file was rightly returned to the incoming Minister because there was no opportunity to act.

Immediately the present Government assumed office, consideration was given to the proposals for conversion of pastoral leases by the Minister for the North-West.

the Minister for Agriculture, and the Minister for Lands; and bearing in mind the history of this file, everyone concerned realised the importance of the problem.

It was agreed that the basis for negotiations, as approved by the previous Government—namely, the voluntary conversion of the leases, should be proceeded with; but before any direct action was taken it was considered necessary to have a full investigation into all the aspects of voluntary conversion. It was agreed that the Minister for Lands should, in the first instance, carry out a full personal investigation; and it was further agreed that Parliament would not be asked to consider any amendment to the existing legislation until a full and thorough examination of all aspects of the pastoral industry as it affected the State and the north-west had been carried out; and that the Government and the lessees could arrive at a satisfactory agreement which would be in the best interests of the State and the pastoral industry itself.

At the first opportunity, my colleague, the Minister for Lands, accompanied by the under secretary, the Surveyor-General, the Deputy Surveyor-General, and staff surveyors in the north-west, did an overland inspection of the East and West Kimberleys; and the Minister for Lands and the Minister for the North-West had previously visited the Pilbara district with a view to discussing problems relating to the pastoral industry in that area. The party of the Minister for Lands passed through some 40 to 50 separate pastoral holdings in the East and West Kimberleys; and, following this inspection, first-hand information of pastoral lease conditions in other States was sought. It was considered desirable that this should be done, and with this in mind the Minister for Lands decided that he would go to Queensland. It was at that point of time that this same erroneous impression was created by the statements that he made in the Press.

The Hon. G. C. MacKinnon: By the statements he made or the way he was reported?

The Hon. A. F. GRIFFITH: Partly by the way he was reported. He was reported correctly; but, as honourable members know, the Press give a caption to a story and the caption is not the statement made by the Minister. I do not think there is anything dreadful about this.

The Hon. G. C. MacKinnon: No.

The Hon. A. F. GRIFFITH: However, this gives me an opportunity, for which I am thankful, to explain to the House what happened.

The Hon. F. R. H. Lavery: It was in *The West Australian* of the 29th May, 1961. Is that the one?

The Hon. A. F. GRIFFITH: No; it was the 28th May, 1961, and it was reported in the *Sunday Times*.

The Hon. F. R. H. Lavery: It was published in *The West Australian* of the 29th May.

The Hon. A. F. GRIFFITH: The one I am referring to was in the *Sunday Times* of the 28th May; and I mention that for the reason that I could not find *The West Australian* of the 29th May. I am not saying for one moment that it was not there.

The Hon. W. F. Willesee: Would you be in a position to say what the Minister really intended to say at that moment?

The Hon. A. F. GRIFFITH: Yes. The Minister has informed me—and of course I have consulted with him about it—that he did not want to give this impression at all, and that he would have liked to be in a position to do what the Surveyor-General advised should be done urgently in 1957; that is, continue with the voluntary conversion of these pastoral leases, but he was not in a position to do so, bearing in mind that the matter had to be considered by Parliament anyway. He has assured me that it was not his intention to introduce any legislation in this session of Parliament in connection with pastoral leases in the north-west.

The Hon. W. F. Willesee: What about his ulterior thought on this?

The Hon. A. F. GRIFFITH: What does the honourable member mean by "his ulterior thought"?

The Hon. W. F. Willesee: Exactly what he thought about it.

The Hon. A. F. GRIFFITH: In fact he explained that the pastoral leases could not be extended, but new leases would have to be ratified by Parliament; so that whatever was done by way of voluntary conversion, the new leases would have to be brought before Parliament.

The Hon. H. K. Watson: An agreement subject to ratification by Parliament. Is that the idea?

The Hon. A. F. GRIFFITH: No, I do not think it could be.

The Hon. F. J. S. Wise: Subject to section 98 of the Land Act.

The Hon. A. F. GRIFFITH: Yes. I am not sure on this point, but the pastoralists have a security of tenure until 1982, I think. Is that right, Mr. Wise?

The Hon. F. J. S. Wise: That is so.

The Hon. A. F. GRIFFITH: So we could not interfere with that unless it was by voluntary conversion.

The Hon. G. C. MacKinnon: Or by resumption.

The Hon. A. F. GRIFFITH: We could interfere by resumption, but that would mean a very costly action, and the Surveyor-General—

The Hon. G. C. MacKinnon: And action nobody wants to take.

The Hon. A. F. GRIFFITH: —in his 1957 report pointed out that he hoped the Government would not have to do that. I think it is fair to say that the files record that the Government had no intention of doing that; or perhaps it would be more correct to say that these files do not relate that the Government intended to do that. I think that is the fairer way of putting it.

Furthermore, in his study of the situation, the Minister for Lands desired to obtain more knowledge or information from the Northern Territory and South Australia; and, if at all possible, the Minister proposes to visit those areas also. All this was done to collate information which would be helpful to the Government in arriving at a proposal for submission to Parliament.

It is emphasised that no alteration to existing conditions, under which leases are granted, can be made without parliamentary approval. Mr. Wise stated that after a thorough inquiry it was his expressed opinion that there would be a distinct possibility that some of the land held under pastoral leases may be recommended for other than pastoral. As the honourable member knows, the Land Act provides for the resumption from pastoral leases for purposes of agriculture, agricultural development, and other public purposes. An example of this is the extensive areas that have been excised from Liveringa for agricultural development, and from stations adjacent to the Ord River Dam project. I have a bit of information about the extent of that.

In the Camballin area, some 20,000 acres have been resumed from Liveringa Station, which is the name of the Kimberley Pastoral Company lease 396/493, and a special license has been issued for the first parcel of 6,495 acres being Fitzroy Location 30. The remaining area is to be made available, subject to certain conditions, in three parcels over the period from December, 1957, to December, 1978; and no further resumptions are at present contemplated.

In connection with the Ord River project, 49,815 acres have been resumed from Ivanhoe Station, which is the name of the Ivanhoe Grazing Company Pty. Ltd., lease No. 396/454, and a further area of more than 150,000 acres may be resumed in the future, depending upon the success of the project and the decision regarding the main Ord River dam. This additional area will include a considerable portion of Carlton Hill Station. If it is eventually decided to construct the main dam, an area of 250 square miles will have to be resumed from Argyle Downs Station. That is some evidence of the fact that land can be resumed for these purposes.

The Hon. H. K. Watson: Have you any idea of the cost of these resumptions?

The Hon. A. F. GRIFFITH: No; I cannot tell the honourable member offhand, but if he is interested I will find out for him and let him know.

The Hon. H. K. Watson: I was just wondering.

The Hon. A. F. GRIFFITH: I am sorry I cannot relate the figures of resumptions without looking them up. I think the House should also be informed that the areas of land to which Mr. Wise refers as lands that have been abused—presumably scalded and eroded country—are now being regenerated by the Department of Agriculture; and it is desired to point out that these vast areas of scalded and eroded land have been in existence for many years. I draw again upon the remarks of the Surveyor-General in 1957 when he said, "My trip up north now leads me to believe that urgent action is necessary. I thought this could wait until 1962 but I think we ought to do it from now."

Somewhere he says that the idea in his opinion would be to renew the leases for 50 years from the 1st January or the 1st February, 1959. I am not quite sure of the date, but I may be able to find it as I go through. When the Minister for Lands interviewed a number of people in the Kimberleys during his visit, they stated that as far back as their recollections went, which extended for some 40 years or so, there had been areas of land that had been subject to erosion. Therefore this problem is not new; it has been in evidence for many years.

The Government has achieved some success in the matter of regenerating eroded and scalded country, and the Minister for Agriculture has supplied me with some notes in respect of the efforts of the Department of Agriculture. Again the file relates commendation of the work done by the Department of Agriculture in this regard. I shall not bore the House by relating the figures on those areas, but they are here for anybody who might like to see them.

The statistical information submitted by Mr. Wise is, of course, recorded departmentally and is being taken into consideration in the Government's overall investigation. It was never the intention of the Government to act hastily or submit legislation to Parliament for consideration which would not be in the best interests of Western Australia and the pastoral industry generally. The honourable member said that amongst many reasons why he considers the whole situation needs review is that some of our leases are being held by the third generation of the same families; and there are instances he told us, of considerable wealth accruing to individual families through the great privilege of using Crown lands for grazing purposes.

He said that while some of the families acknowledged the privilege they had in using Crown lands for the purpose indicated, and intelligently used the country, others had regarded their leases as a right which was theirs alone to exploit. He said that they had shown an utter disregard for the future of the country, which was a national asset. He went on to say that some had held fast to unused areas and had abused portion of their holdings. I submit with respect that it would have been more appropriate if the honourable member had given some specific examples of the charges that he made; because, just as I created a wrong impression a little while ago, and just as the newspaper created a wrong impression in respect of the Minister's comments, so there has, to some extent, been a wrong impression created about this; and instead of naming the guilty he has placed a shadow over the innocent as well.

The Hon. A. R. Jones: Perhaps there are too many guilty ones to name them.

The Hon. A. F. GRIFFITH: Of course I could not make any comment on that, because I do not know. I am only dealing with the case as it has been put forward by the honourable member. In this instance I suggest it might have been better to name some of the people rather than have this, perhaps, unfortunate impression that the charge has left in the minds of some.

The Hon. A. R. Jones: Those who are not guilty would not suffer at all, would they?

The Hon. A. F. GRIFFITH: That is one way of looking at it; but by the same token I have known the honourable member at times to be quick to jump to the conclusion that he should correct somebody else when the wrong impression has been created.

I am sure it will be agreed, therefore, that the Government has been very careful to examine and explore every avenue concerning the proposals for new pastoral lease conditions. It is not, I repeat, expected that the position will be advanced sufficiently for legislation to be introduced during this session of Parliament. The actual terms of the motion as they relate to pastoral leases, I say again, confirm the policy that the Government has been pursuing over the last couple of years. That is a very simple and good reason why the principle of this motion will not be opposed and could not be opposed by the Government. However, it is considered that it should be clarified as to who is the responsible authority for the appointment of the committee, and the subsequent action to be taken in this regard.

At the conclusion of my remarks I intend to ask the House to agree to a certain amendment to cover that aspect. In conclusion may I say this: There has been very little research into this problem until relatively recently; and when these leases are renewed, at whatever date that may be, and under whatever conditions Parliament will write with respect to the renewals, we will be writing the history of this State in the north-west for the next 50 years; and I think members will agree that it is necessary that careful consideration be given to all aspects of the matter.

The Hon. A. L. Loton: What did you mean when you use the words "very little research"?

The Hon. A. F. GRIFFITH: When I said there had been very little research in recent years I meant to conform with the context of the honourable member's motion. After Mr Wise sat down, he rose again by way of personal explanation and pointed out that he wanted an expert committee, and not a parliamentary committee, appointed—that, of course, does not mean we are not experts. It is merely my own words getting me into difficulties. Mr. Wise meant that we should have an expert inquiry. I simply say there has not been a great deal of research into all the factors of pastoral leases until comparatively recent years. One could say with a degree of truth that it started when the Surveyor-General brought to the notice of the Minister for Lands, in 1957, the bad conditions in which he found most of the country at that time; although other people have stated that that country has been in that condition for many years past.

I say again that we will have to exercise a great deal of care, and continue the research which has gone on in recent years; bearing in mind all the time that the advice Governments have received in connection with these pastoral leases has been of the nature of voluntary conversion and not of resumption.

Amendment to Motion

The amendment I propose to move is intended to do nothing but assist the House. I move an amendment—

(i) That all the words after the word "until" in line 5 down to and including the words "in connection with" in line 9, be deleted with a view to substituting the following words:—

> The Governor has appointed a committee of inquiry whose members shall in the opinion of the Governor be capable of making a report and a recommendation in regard to

(ii) That clause (2) be deleted with a view to substituting the following:—

> (2) Such committee shall report to the Governor and copy of report shall be laid upon the Table of both Houses of Parliament a reasonable time before any relevant amendment to the Land Act is introduced.

The motion would then read—

That in the opinion of this House, in the national interest, leases issued under the provisions of sections 90 to 115 inclusive, of the Land Act, 1933-1956, be not renewed until—

(1) the Governor has appointed a committee of inquiry whose members shall in the opinion of the Governor be capable of making a report and a recommendation in regard to—

(a) the use, treatment and effective occupation of the areas comprised in the pastoral leases of the State;

(b) the condition of the country, its general prospect for permanent pastoral use and how it has been affected by droughts, erosion stocking and vermin during the currency of the existing leases;

(c) the desirability of making provision in the Land Act for a new system of determining the size of pastoral leases, maximum and minimum, whether held by individuals or companies;

(d) whether any new provisions or amended provisions should be made in the Land Act in regard to methods of appraisement of rentals, and the powers of the Pastoral Appraisement Board.

(2) Such committee shall report to the Governor and copy of report shall be laid upon the Table of both Houses of Parliament a reasonable time before any relevant amendment to the Land Act is introduced.

All I want to do, quite frankly, is to give Mr. Wise an opportunity to consider the purpose of this amendment. I assure him it is intended to help. It is to make clear that the Governor shall appoint; that the committee's report shall be made to the Governor, and that it shall be laid upon the tables of both Houses of Parliament. I do not wish to offer any complication, but the clerk has pointed out to me that I must move these amendments separately. Would you mind telling me, Mr. President, whether I will get the whole of the amendment moved or just one section of it moved? What I mean is, will the amendment appear in its new conception?

The PRESIDENT (The Hon. L. C. Diver): In my opinion, the Minister must get the agreement of the House to delete certain words before he can insert other words.

Debate (on amendment to the motion) adjourned, on motion by The Hon. W. F. Willesee.

House adjourned at 8.25 p.m.

Legislative Assembly

Tuesday, the 19th September, 1961

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