Mr. Jamieson: Are any other States supplying cheaper electricity?

Mr. O'CONNOR: I am not concerned about whether other States are supplying cheaper electricity. I am concerned with what is going on in this State.

Mr. Jamieson: Are any of the other States supplying cheaper electricity?

Mr. O'CONNOR: I do not know. Are any of the other States making more profit out of their electricity operations than the S.E.C. is making in this State?

Mr. Jamieson: They have more opportunity to make more profit because of the extent of their operations.

Mr. O'CONNOR: Those who are paying State electricity charges are being taken for a ride. They are paying their taxes, getting their money back and then being taxed excessively to raise money for expenditure in this field. In my opinion a profit of $8,000,000 is excessive, and the Government should do something about waiving the increase in electricity charges it has imposed.

The other point I want to make relates to comments I previously made concerning interference by the Government in Government departments. Such action has been taken in both the Police Department and the Transport Department. The Government will not permit us to inspect any of the departmental files so that we may investigate these matters. We now see further efforts being made by the Government in this regard, because recently a headline appeared in the newspaper which read, "M.T.T. chief fears Government interference."

Here again, the M.T.T. was set up by a Labor Government to keep it out of Government control.

Mr. Jamieson: Incidentally, he denied having said that.

Mr. O'CONNOR: It is very clearly stated here.

Mr. Jamieson: He denied having said it.

Mr. O'CONNOR: I do not know what pressure was brought to bear on him to make that denial.

Mr. Jamieson: No pressure was put on him.

Mr. O'CONNOR: Is the Minister saying that no pressure was put on him to deny making that statement?

Mr. Jamieson: No pressure was put on him, and he denied having said it.

Mr. O'CONNOR: The Government is forcing him to make some changes in the M.T.T.

The SPEAKER: The honourable member has two minutes left.

Mr. O'CONNOR: Thank you, Mr. Speaker, I will not avail myself of that time. I thank you for your tolerance and I will close on that note.

Debate adourned, on motion by Mr. Harman.

House adojurned at 11.34 p.m.

Legislative Council

Thursday, the 23rd November, 1972

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11.00 a.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [11.02 a.m.]: I ask leave of the House to postpone questions on notice until a later stage of the sitting.

The PRESIDENT: Leave is granted.

ALUMINA REFINERY (MUCHEA) AGREEMENT BILL

In Committee

Resumed from the 21st November. The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clause 1: Short Title—

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

The Hon. L. A. LOGAN: Now that it is the intention of the Government to build a new wharf—after the C.B.H. company, in desperation, has said that it would be prepared to construct its own jetty—I would like to know whether the cost of that wharf will be met by the Government?

I also point out that the distance between the two proposed jetties is not quite as far as indicated. It will be only 1,650 yards. When a ship is tied up at the C.B.H. jetty the distance will be even less.

The Hon. W. F. WILLESEE: In the first instance, when I tabled the plans I said there was a minimum distance, but that the distance would probably be greater. I think I said one-third of a mile with the probability of the distance being half a mile. The distance will be greater than that shown on the rough plan which I tabled.

The Hon. J. Dolan: A distance of 1,650 yards is nearly a mile.

The Hon. L. A. Logan: I meant to say feet. A distance of 2,000 feet had been mentioned.

The Hon. W. F. WILLESEE: I have quoted the figures supplied to me. I am not in a position to divide or subtract clearly at the moment. I emphasise that if it is possible to have a greater distance than one-third of a mile that will be done. I was working on the basis of 25 chains.

Regarding the other point raised by Mr. Logan, the C.B.H. jetty will still be constructed and paid for by the Government. I have discussed this matter with the Premier and he assures me that a separate jetty will be constructed for each company, notwithstanding the belief that the loading operations could take place from the one jetty.

Mr. Abbey mentioned that instead of building a new jetty it might be possible to use the facilities available on the CSBP jetty. On that point I have been supplied with the following written remarks:—

> The Hon. Member should be aware that the Joint Venturers will require a separate shiploading installation and berth. Even if the CSBP jetty had been extended to provide this additional berth, it would still be necessary to provide an additional conveyor gallery, and the cost of these alterations and additions would not be very different from the cost of the separate new jetty and berth now proposed for the Joint Venturers. Any land resumptions or purchases which would be required to provide a bulk storage area, buffer zone, and conveyor route near the Kwinana village would thus be additional expenditure over and above that envisaged for the separate jetty, making the total cost much higher.
>
> Consideration must also be given to the great length required for the railway working area which is an integral part of alumina bulk storage system.
>
> In regard to alumina loading operations first of all it must be stressed that dust control methods will be instituted that as far as practicable no dust escapes. Furthermore the distance between the vessel being loaded and the shore will exceed 2000 ft.; so that there is every prospect that little dust nuisance would occur. It is unlikely that alumina will be shipped before 1977, and in the intervening period the present Government policy of purchasing available properties at Kwinana will continue.
>
> In regard to increasing the distance between CBH area and the Joint Venturers Bulk Storage area by another 2 chains, the undertaking has already been given that the Committee responsible for planning the area will confer with the Shire of Rockingham to arrive at the most practicable access to the waterfront. This may require widening of the "service corridor" between the C.B.H. and the proposed bulk storage facilities.
>
> The Hon. Arthur Griffith referred to preference to vessels at the joint venturers' berth. Clause 38(1) as amended makes clear that a new wharf will be constructed and will be separate and unrelated to the proposed CBH wharf. It is necessary to retain Clause 38(11) in its present form since in the event of the new wharf for the Joint Venturers being used by some other party pursuant to Clause 39(12) preference will be given the Joint Venturers.

Mr. White and Mr. Logan took up similar points with regard to siting the refinery further west. I have already answered those points and have advised that the proposed refinery is constricted on all sides by a variety of factors. In the ultimate, when all the investigations have been undertaken, a final decision will be made as to the site. The company is cognisant of all the factors involved and, in essence, will go where it is told to go.

In order to make the company's position somewhat clearer to members, I point out the company was requested to write a letter stating its position. The letter is very illuminating. It is addressed to the Minister for Development and Decentralisation and is dated the 22nd November. It reads—

> Chittering Alumina Project.
>
> During the debate in the Parliament on the Alumina Refinery (Muchea) Agreement Act, 1972 Bill, concern has been expressed that the refinery may adversely affect farmlands on the eastern side of the area of 2800 acres within which the refinery will be located. Arising out of this concern, suggestions have been made that the refinery should be moved further west. Surprise has also been expressed that the precise location of the refinery within the refinery site area has not been determined.
>
> In view of the importance of these matters to local residents, I would like to record on behalf of the Joint Venturers Pacminex's appreciation of the position in the hope that this will dispel any idea that very careful thought has not already been given to the views now being expressed.
>
> In the first place, it should perhaps be made clear that the Clean Air Act lays down rigid requirements with which the refinery must comply in order to keep the ground level concentration of SO_2 from the refinery stacks, no matter where measured, within acceptable safe limits.
>
> Be that as it may, the Environmental Protection Authority has, in its report dated 12th October, 1972 recommended that "the refinery stacks be located in the western one-third of the refinery site", "to ensure that as

far as possible the maximum ground level concentrations of sulphur dioxide from the stack are confined to the site".

Pacminex is in agreement with these views, and the detailed proposals for the refinery which are to be submitted to Government for approval will aim to follow this recommendation as far as practicable. It will be realised, of course, that these proposals must also take into account a number of other requirements such as:—

1. That an adequate buffer zone be placed between the refinery and pastoral areas east of the designated refinery site.
2. That the refinery be located on the elevated sloping land on the western side of the designated site to provide good foundation conditions for the plant and to ensure that surface drainage can be collected effectively.
3. That the height of the boiler stack be not less than 467 feet above ground level, to comply with the Clean Air Act, as stated by the E.P.A. in its report of 12th October, 1972.
4. That the height of the boiler stack not exceed 500 feet above the ground level at Gingin airstrip, to comply with R.A.A.F. requirements.
5. That the maximum gradient of the branch line leading from the main railway track to the refinery not exceed 1 in 140.
6. That easement rights held by W.A.N.G. for the gas pipeline which runs across the designated area from north to south be respected.
7. That a buffer zone be provided between the refinery and pine plantations planned to be established by the W.A. Department of Forests on land adjoining the lower half of the western boundary of the designated site.

Before detailed proposals can be prepared for submission, it will be necessary for Pacminex to make a detailed survey of the whole area and for the W.A.G.R. to survey and advise alternative routes for a branch line from the mainline into the refinery site which will comply with their gradient requirements.

I trust that the foregoing makes it clear that the Joint Venturers are fully aware of the interests of the pastoralists east of the proposed site, and, subject to meeting the requirements of various Government Departments, wish to locate the refinery within the designated area so as to provide the maximum possible buffer zone between the plant and the nearest pastoral land, whilst still leaving a reasonable buffer zone between the refinery and the planned State forest.

Yours faithfully,

R. N. Selman,
Managing Director.

I think that letter makes the situation clear. In effect, the company must go where it is told to go. All these interlocking situations must be ironed out, and when an area has been surveyed, that will be the site. It may not be the highest piece of land for one reason; it may not be in a certain direction for another reason; and it may not be on low-lying land because of he aquifer, and so on. Therefore, the site will be a compromise in all the circumstances. I trust that letter clears up members' problems in this regard.

Mr. Arthur Griffith dealt with mineral rights, and had some criticism of clause 9. He requested that the matter be considered. It was as well that he did because we found considerable merit in his argument. I have on the notice paper amendments which will make it clear that the joint venturers cannot compel the holders of bauxite reserves to negotiate the sale of such reserves if they do not wish to do so. By deleting the words at the end of the original clause the control of the situation by the State will be strengthened.

I have had the total situation examined at the highest possible level by the negotiators of the agreement and the Pacminex people. I spent as much time as possible at the conference. I sincerely think the many points that were not clear during the second reading debate have now been clarified.

The Hon. C. R. ABBEY: I would like to thank the Leader of the House for the efforts he has made to find solutions to the problems raised by myself and others. With the moving of the jetty to a point approximately 2,000 feet away most objections regarding the contamination of grain will be overcome. I am sure the Committee can take the word of the Leader of the House in this respect. At all times we have found him to be correct in what he says.

However, if there is any further discussion on these matters I hope he will keep firmly in mind the necessity to present the point of view expressed in this Chamber. Another Minister will handle the project, and if in further negotiations full cognisance is not taken of the undertakings given in this Chamber, this could be detrimental to the interests of Co-operative Bulk Handling and the Shire of Rockingham.

I would like the Leader of the House to be a little more specific on the matter of the service corridor between the Pacminex

bulk storage area and C.B.H. I understand from the plan that has been tabled it is proposed the service corridor shall be four chains wide. That is insufficient for the works which will be carried out there. We know a number of industries will be established to the east of C.B.H. and Pacminex. Many of these industries will need to use the C.B.H. wharf to load and unload goods. We must always bear in mind that any materials handled on the C.B.H. wharf must be compatible with grain.

The more use that is made of the facility, the cheaper will be the cost to the State of its provision. I am aware that C.B.H. has made available 30 feet of land across the front of its block to enable the installation of service pipes, etc. If the corridor is not wide enough it may not be possible to provide road access.

It is most important to the Shire of Rockingham that heavy haulage be kept away from the housing area. In the past we have had trouble in this respect, and we should try to avoid it in future. We have an opportunity to provide road access between the two sites. I understand that will require the construction of a bridge over the railway line, and that a fair amount of room will be necessary. I thank the Leader of the House for advising us that the Shire of Rockingham will be consulted; but that will be of no use if its views are not accepted.

The Hon. W. F. WILLESEE: I would advise Mr. Abbey that already his comments have been noted at the highest level, as representatives of the company are in the Chamber. In addition, I will provide a copy of his remarks to Mr. Munro of the Department of Development and Decentralisation. I cannot give the honourable member an assurance regarding the width of the service corridor, but his remarks will be noted.

The Hon. C. R. ABBEY: I advise the Committee that in view of the undertakings given by the Leader of the House I will not proceed with my amendment.

The Hon. F. R. WHITE: I would like to express my appreciation to the Leader of the House for reading out the letter from the company. I am also appreciative of the surprisingly co-operative attitude of the joint venturers. Previously I felt they were rather bombastic regarding the Upper Swan site. It is pleasant to note the co-operative attitude expressed in the letter.

The Hon. A. F. GRIFFITH: Having had some experience with the executive of the company I am not at all surprised at its co-operative attitude. I would have been disappointed had the company adopted any other attitude.

Clause put and passed.

Clauses 2 to 4 put and passed.

Schedule—

The Hon. A. F. GRIFFITH: Mr. Chairman, how do you propose to deal with the schedule? It is usual in a signed agreement to treat the schedule as one motion.

The Minister has on the notice paper some amendments to the schedule. Do you, Mr. Deputy Chairman (The Hon. F. D. Willmott), propose to call each clause of the agreement?

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): No. I will just put the schedule, and it will be up to the Minister to move his amendments. It is not necessary to call each clause.

The Hon. A. F. GRIFFITH: It might eventuate that after clause 9 of the schedule has been agreed to clause 7 might have to be altered and we might have to go back to clause 7.

The DEPUTY CHAIRMAN: As I will not be calling the clauses, if there is need to make a consequential amendment to an earlier clause I will be agreeable to return to it.

Clause 9: Other Ore Sources—

The Hon. W. F. WILLESEE: I move an amendment—

> Page 17, line 5 of the clause—Insert after the word "may" the words "if agreement is reached with such persons".

I have nothing to add to the comments made when earlier I read out the statements. Those comments are pertinent to the amendment to this clause.

The Hon. A. F. GRIFFITH: I am appreciative of the amendment that has been offered. The objection that I raised to this clause of the agreement was that I felt the joint venturers were being advantaged by a provision of this nature in their dealings with people who owned private land.

The inclusion of the words "if agreement is reached with such persons" does improve the situation to some extent. I would like it to be known that it does not alter the situation unless the land referred to is private land which comes under the scope of the Mining Act and which could be regarded as cleared land.

If one happens to own a block of land in this area, or for that matter anywhere in the State, and it is not cleared land, then that land may be pegged by anybody. There is no requirement for an agreement to be entered into between the owner of the land and the mining company if the land is to be mined, but such an arrangement has to be entered into when the land is cleared land. When the land is not cleared the ordinary provisions of the Mining Act apply.

In accepting this amendment I do so on the basis that it will assist the company. We all know that the Pacminex agreement is a marginal proposition.

The Hon. W. F. Willesee: That is correct.

The Hon. A. F. GRIFFITH: The first requirement in any mineral project is to ensure that one has the mineral on which to float the project. This proposition is marginal in relation to the quantity of mineral that is available. There is a slight misunderstanding which I learned about after I spoke to the Bill the other night; this is in respect of the environmental protection report. This report states that about 646,000 acres of land are either unallocated or unexplored. I learnt from the company this not necessarily so, and a lot of that land has been scout-drilled and explored.

However, from the point of view of raising finance overseas and getting the project off the ground, the financiers will be able to read the clause in the agreement and the joint venturers will be able to point out that they have an inherent right to make arrangements for the purchase of bauxite or bauxite reserves. So, the amendment does improve the clause to some extent, but not to the total extent as some members might think.

The Hon. W. F. WILLESEE: I thank the Leader of the Opposition for his remarks which greatly clarify the position. I will not endeavour to add to those comments. I agree that we have to establish confidence abroad; and for the company to have an economic and viable life it must be able to produce a sufficient quantity of bauxite in the future.

Amendment put and passed.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Before the Leader of the House moves the next amendment to this clause of the agreement I would advise him that it is not necessary to move for the deletion of the word "State" and then to reinsert it. It will be sufficient to move for the deletion of all words after the word "State".

The Hon. W. F. WILLESEE: I move an amendment—

Page 17, lines 8 and 9 of the clause—

Delete all words after the word "State", down to and including the word "withheld".

In effect the amendment seeks to delete the words, "which approval will not arbitrarily or unreasonably be withheld."

The Hon. A. F. GRIFFITH: As the amendment appeared on the notice paper it might not have been correct, but you, Mr. Deputy Chairman (The Hon. F. D. Willmott), have corrected the position. The deletion of the words "which approval will not arbitrarily or unreasonably be withheld" will strengthen the position of the State to a slight extent. It means the State will now be able to say to the company "You cannot have that particular area, because we have some other purpose for it." That will be the case if my interpretation is correct, which I hope it is. In other words, in negotiations of this kind the State should be able to maintain control, particularly when the clause gives the company the right to negotiate anywhere within the State, because the State may well have in mind some other purpose for the particular area in question. The Leader of the House gave me the opportunity to talk to Mr. Selman, the managing director, whom I know very well, and the company agrees that the words should be taken out.

Amendment put and passed.

Clause 38: Wharf—

The Hon. W. F. WILLESEE: I move an amendment—

Page 35, lines 1 to 7 of the clause—Delete subclause (1) and substitute the following:—

(1) The State will in accordance with the proposals as finally approved or determined under Clause 6 cause the Fremantle Porth Authority to construct a wharf in the Fremantle Outer Harbour other than by way of an extension of the Fremantle Port Authority's proposed bulk grain jetty and in such suitable location as may be agreed.

This clause clears up once and for all the issue of separate port facilities. We have gone into this in considerable detail during the Committee stage and I do not think I need elaborate on this aspect.

Amendment put and passed.

Clause 54: Variation—

The Hon. A. F. GRIFFITH: I take the opportunity to register again my objection to clause 54 (1) and (2) of the schedule to the agreement. This is the variation clause. The Chamber will recollect the tremendous amount of trouble the previous Government ran into because it used the words—

The parties hereto may from time to time by agreement in writing add to, vary or cancel all or any of the provisions of this Agreement or any lease license easement or right granted or demised hereunder or pursuant hereto for the purpose of more efficiently or satisfactorily implementing or facilitating any of the objects of this Agreement.

Every agreement that was brought to Parliament by the previous Government contained a clause in those identical words, but it was criticised up hill and down dale for being too loose. We were told this would make it possible to do all sorts of things outside the authority of Parliament, and so on. Every one of the iron ore agreements that were amended was brought back to Parliament. Under clause 54 (1) and (2) of the schedule to this

agreement, however, the agreement can be varied and need never be brought back to Parliament if and until in the opinion of the Minister an agreement made pursuant to this clause would constitute a material or substantial alteration.

Until the Minister comes to that conclusion the Government need never bring this agreement back to Parliament. I merely point this out and emphasise the great looseness of this variation clause when compared with the one that was used by the previous Government and which was criticised by the Opposition of the day.

Schedule, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and returned to the Assembly with amendments.

JETTIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th November.

THE HON. I. G. MEDCALF (Metropolitan) [11.49 a.m.]: We have before us a Bill to amend the Jetties Act, 1926-1965. The purpose of the amending Bill is to extend the principle of absolute liability to persons who use a jetty by bringing onto it any vehicle, crane, or other machinery.

At the present time any person who drives onto a jetty a truck, machinery, or equipment is only liable for the damage which he causes to the jetty.

In other words, if a person drives onto a jetty and causes damage or if he brings a crane or other equipment onto a jetty and causes damage, he is liable for the damage caused by wrongful action or negligence.

The principle of this legislation, which is set out in clause 6, is what is called the principle of absolute, or strict, liability. The principle of absolute liability is that a person is liable even though he does not wilfully or negligently cause the damage. Consequently, if damage results from a vehicle, crane, or machinery being brought onto a jetty, even though the person has not been negligent and has committed no wrongful action, he is liable for any damage which is occasioned to that jetty. In other words, if the vehicle has caused damage because of an act of God—perhaps a bolt of lightning or something else over which a person has no control—the owner of the vehicle is liable to the Crown for any damage which may result in consequence of that act of God or accident. This is the principle of clause 6 of the measure. I will go further into this clause in a moment.

Before doing so, I refer briefly to what appears to me, at least, to be the reasons for the Government seeking to bring in this extraordinary piece of legislation. I say "extraordinary" because I have not been able to find any other place in the world where such a law applies. Perhaps the Minister would be able to tell me of some other State in Australia or some other country where this law does apply. I certainly have not been able to discover any such place and I have recently read a book called the *Liability of the Crown* by Hogg, which gives the position in other parts of the British Commonwealth.

Way back in Anglo-Saxon times the King had an immunity from proceedings. It was not possible to proceed against the King. The reason was, the King could not be tried in his own courts. The courts were set up by the Crown and the Crown—or the King—could not be tried in those courts Therefore, he had immunity. However, it was recognised in those times that, although the King could not be tried, it was necessary for him to do the right thing by his subjects and, therefore, a document known as the Petition of Right was drawn up. Although it was not possible to sue the Crown or bring proceedings against the King, nevertheless, by petition, citizens could ask the King or the Crown to give them justice. The Crown would appoint an officer to investigate the case and to arrange the appropriate procedures. This was the position as it developed in the history of our law.

The position gradually changed and the theory of Divine Right of Kingship came in during the period of the Stuarts. As a result of changes, there grew up a body of opinion to the effect that the Crown was immune from proceedings and, in fact, the Crown was in a different legal situation from its subjects and above them. Generally speaking, this was the position in the United Kingdom about the time the Australian colonies were established.

It was not very long before the position was changed in this country and, in fact, the Australian colonies led the way in diminishing the theory that the Crown is in a superior situation to all its subjects.

This information is relevant to the measure under discussion which proposes to put the Crown in an entirely different position from the citizens of Western Australia.

The position changed, as I have said, and I would like to quote from Hogg on the *Liability of the Crown*. Page 7 refers to the case of Farnell v. Bowman, which was decided in 1887. The quotation states—

> It must be borne in mind [they said] that the local Governments in the Colonies, as pioneers of improvements, are frequently obliged to embark on undertakings, which in other countries are left to private enterprise, such, for

> instance, as the construction of railways, canals, and other works for the construction of which it is necessary to employ many inferior officers and workmen. If, therefore, the maxim that "the king can do no wrong" were applied to Colonial Governments in the way now contended for by the appellants, it would work much greater hardship than it does in England.

That case actually concerned a New South Wales Statute of 1876, and it is an authority that the Crown was liable for wrongdoing in certain circumstances.

Consequently the position had changed and it changed further by Statute in the Australian colonies. With self-government, most of the colonies introduced Crown Suits Acts or similar Acts which enabled the Crown to be sued. In Western Australia this Act was introduced in 1898 and, henceforth, under certain circumstances involving "public works" the Crown could be sued.

The law was greatly extended in this State in 1947 when the Crown was made liable for the same types of actions for which subjects or citizens were liable and the Crown could be sued in ordinary courts without the necessity for a Petition of Right.

I spoke earlier of the King, but of course the King is equated with the Crown and with the Government today. In Western Australia the Crown can be sued. It can be sued in tort—that is for civil wrongs—and it can be sued in contract. The Crown is in much the same position as the ordinary citizen in most circumstances. The only basic restrictions are that within three months of the happening—or as soon as possible—it is necessary to notify the Crown of the intention to bring proceedings; also, a writ must be issued within 12 months of the happening which caused the action to arise. As I say, the only restrictions in suing the Crown in Western Australia are, firstly, the necessity to notify the Crown and, secondly, to bring the proceedings against the Crown within 12 months.

This is not what this legislation proposes; instead, it seeks to give the Crown certain rights which are not enjoyed by subjects. The right which it is proposed to give the Crown are those which apply in respect of jetties in the case of ships. For a long time ships have been in an inferior position, one might say, in regard to liability for claims when damage to jetties has resulted. If a jetty is damaged by a ship the master and owner of the ship are held liable. The owner of the ship—or the charterer—is liable absolutely on this principle of strict liability for any damage which that ship may cause to the jetty. If a ship causes damage to a jetty for any reason at all, the owner of the vessel is liable and the master is also liable for wrongful action or negligence which may have caused the accident. This is the principle which applies to ships and always has applied in this State so far as damage to jetties has been concerned.

The principle of the Bill before us is to extend the liability of shipowners and masters to persons who own machinery, vehicles, or plant which is brought onto any Crown jetty—the measure does not deal with a private jetty. Consequently, any jetty owned by the Crown will have the same protection against vehicles, cranes, and other equipment as it now enjoys against ships. Generally, this is the intention of the Bill. In effect, this is a complete departure from the existing law. Although historically there has been the situation in which ships were liable—and when I say "ships" I mean the owners or charterers of ships—nevertheless, there has never been a situation where the owners of vehicles and other such equipment have been made liable for damage which may occur to a jetty unless they committed a wrongful act or were negligent. However, the principle of absolute liability did not apply to such persons.

Members may well say, "Why is it that jetties owned by the Crown were ever given special immunity?" I suppose this arose in the old days. Jetties were very difficult and expensive to construct. Naturally, I can speak only for Western Australia, but I feel there may be some justification for the fact that jetties enjoyed special privileges and that any damage to them, however caused, must be met by the shipowner or the master. When our colony was being established, no doubt the construction of the jetties created many problems. Mostly they were built by physical labour without the aid of a great deal of equipment. Particularly on our north-west coast, with the tides and cyclonic conditions, there is probably some justification for the principle of absolute liability in the case of shipowners.

I am not suggesting we should change this principle in respect of shipowners. This law has applied for a long time. However, I am objecting to the extension of this liability to private people who drive cars, vehicles, or other equipment onto a jetty. I do not believe such owners and drivers should be liable for anything more than they are a present—that is, their wrongful acts and negligence. Let us take the example of a person driving onto the jetty and starting a fire by boiling a billy. Such a person would clearly be liable for any damage so caused. However, if we take the example of a vehicle which is struck by a bolt of lightning, and a fire results when the petrol tank explodes, I believe members will agree the owner of the vehicle should not be liable for the damage caused. That could be classed as an act of God. However, under the provisions of this Bill, the owner of such a vehicle will be liable to the Crown for the whole of the damage. Not only

will the owner be liable, but also the driver. He will be liable for any wrongful act which can be sheeted home to him, under the provisions of paragraph (b) of proposed new section 13.

I believe the legislation goes too far, and I cannot see why the Crown wants this provision. We were told of the case of a person operating a crane on a jetty. The jib of the crane collapsed and damaged the jetty, but the Crown was unable to recover damages against the owner of the crane because a latent defect in the jib was found to be the cause of the accident. In other words, through no fault of the owner or the operator of the crane, the jib collapsed and the Crown was unable to recover the cost of repairs to the jetty. I do not think this is a good reason for the provision in the Bill before us. If the jib collapsed through no fault of the driver, the operator, or the person maintaining or servicing the crane, what right has the Crown to claim against these people? This is called an inevitable accident, and inevitable accidents do occur, particularly in connection with mechanical equipment, steering gear and brakes which fail for no apparent reason. Although a vehicle is properly serviced and well-maintained, we know that mechanical defects and faults can occur.

In other instances the Crown recognises that accidents happen through no fault of the owner or driver of a vehicle, and in such cases the Crown does not sue for damages. In law an inevitable accident is treated in a similar manner to an act of God. No-one has control over a bolt of lightning or a cyclonic disturbance. Such things are beyond the control of human beings. Yet, this Bill, under clause 6 proposes to make owners of vehicles liable for acts of God or inevitable accidents which occur through no fault of the owner or driver. I cannot go along with that. I do not believe it is fair or proper.

The principle embodied in this clause is against the principle we are historically working towards in Australia—that the Crown and the citizen will ultimately reach a state of comparative equality. This provision places the Crown in a different position. Instead of the Crown gradually working towards a state of equality where it can sue or be sued on the same grounds or for the same reasons as a private citizen, the Crown will be put in a privileged position. It may claim against a citizen for an act of God. A citizen may only claim against the Crown when he can prove that the Crown has committed negligence or has done some wrongful act.

The Crown may sue a citizen, not only for any act of negligence, but also for an act of God or an inevitable accident. Just consider for a moment the position of a citizen who seeks to sue the Crown in the limited sphere where the Crown may be sued under this Bill; that is, where the Crown commits an act of negligence or a wrongful act. I would like very briefly to refer to some of the things which have not been considered to be wrongful acts on the part of the Crown. One such case is the Burmah Oil case, which is reported in 1965 Appeal Cases, page 75, referred to on page 72 of *Liability of the Crown*. During the War the British Government applied the scorched earth policy and destroyed all the oil wells in Burma before the Japanese advance. The act was not performed under an Act of Parliament, but as a result of a Cabinet decision. I am not complaining about the scorched earth policy; it was no doubt a military necessity and obviously carried out very effectively. Many years later the Burmah Oil Company sought some compensation and the defence put forward by the Crown was that this was not a wrongful act. The Crown maintained that it did not need an Act of Parliament to institute the scorched earth policy—it was a matter of the Royal prerogative and the act was undertaken in the defence of the realm.

I do not say this action of applying the scorched earth policy was wrong. I merely say that the Crown was in a privileged position to destroy the oil wells. If a private person had destroyed an oil well, he would not have been able to raise that defence because he cannot exercise the Royal prerogative even in such a situation. He is not entitled to do so. Therefore, even in regard to wrongful acts, the Crown has a special immunity.

When we talk about wrongful acts by the Crown, we must realise even today the Crown has many privileges, and most of us would probably concede that the Crown has the right to do certain things. Nevertheless, I am sure members will realise that the right of a subject to say the Crown has committed a wrongful act is cut down right from the beginning.

I am saying that although the Bill proposes to allow the Crown to be sued for its wrongful acts, the provision must be read in the light of the fact that the Crown has extraordinary exemplary powers which citizens do not enjoy, and therefore the Crown is in a position of privilege. However, that is only a side issue. The main issue is that the Bill proposes to make private citizens liable for acts of God and inevitable accidents, whereas the Crown is not liable for anything more than its wrongful acts—interpreted in the way I have suggested—and for acts of negligence.

I believe this contravenes the historic principle towards which we have been working in this country. I do not know where there is any other precedent for such matters. It is not sufficient to quote a precedent for ships, because that has been part of our law ever since jetties were first built on our coasts. I cannot see that it is good in any sense of the word, and I am surprised the Government has brought

it up. I serve notice on the Government that I will be moving to delete clause 6 at the appropriate time.

Debate adjourned until a later stage of the sitting, on motion by The Hon. R. Thompson.

INDECENT PUBLICATIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st November.

THE HON. G. C. MacKINNON (Lower West) [12.11 p.m.]: The Act we are seeking to amend with this Bill is very old. The copy of the parent Act I have in front of me is printed under the name of Edward VII. It is a 1902 Act, so I suppose it has given fairly good service. However it is now deemed desirable to amend it. If we compare the present legislation with the original Act that was first passed by Parliament we will see it has been well amended in the past to bring it to its present form.

It has been considered necessary to amend the legislation to bring it more up to date and to cover certain aspects that have developed in recent times. As everyone knows, censorship is an extremely difficult subject to handle. There are many divergent points of view that can be given on it. In the Scandinavian countries, where literally all forms of censorship have been abolished, the view appears to be, "It was only a nine-day wonder, and nobody buys the book any more."

My view on censorship is that it is still desirable, and if we question people closely enough, almost invariably we find that there is only argument over the degree of censorship and not whether we should or should not have censorship. In parts of the world there are many things that are regarded as being freely available either to read or to see which we can well do without in this State or in Australia.

At this stage of the session I do not intend to make a long speech on censorship itself or on its ramifications, because no doubt members have given a great deal of thought to that aspect. I intend to keep almost entirely to the Bill and the clauses it contains. The Bill seeks to redefine one or two terms. For instance the word "publication" has been defined to cover a book, paper, newspaper, pamphlet, etc. I have an amendment on the notice paper to amend clause 10 because in another place the word "book" was inadvertently left in that clause, and the word "publication" should be used. I do not think any member will disagree with that move.

The measure proposes to establish a State advisory committee. I think this is fair enough, because it will enable the Minister to obtain advice on what should be banned, restricted, or allowed to go through. The Minister is not bound by the recommendations of the committee but they would serve as a useful guide to him. To me it seems to be a reasonable sort of committee. There are no less than three and no more than seven on the committee, and at least one shall be a woman. One shall be a recognised expert in literature, art, or science. The appointment of a member such as this I think is justified, because in past years a great deal of matter has been allowed to enter the country on the ground that it is artistic. That is reasonable enough, provided it is genuine. The other member of the committee is to be a legal practitioner, so there is no need to comment on his appointment or that of a woman, because they could be accepted on their merits. The terms of their appointment and the conditions relating to meetings of the committee and so on are set out in the Bill.

Clause 6 contains the powers and functions of the committee, by seeking to add a new section to be known as section 9. I also have an amendment on the notice paper to amend this clause. I ask members to take their thoughts back to when Mr. Chipp, the Commonwealth Minister in charge of censorship, had to give a decision on *The Little Red School Book*. They will recall that he had no power to ban it, because firstly, it had been printed in Australia, and secondly, the matters contained in it were not those that could be defined as being censorable. I draw the attention of members to subsection (1) (a) of proposed new section 9, appearing on page 4 of the Bill, which reads as follows:—

> 9. (1) The Minister may refer any publication or class of publication to the Committee for consideration of the publication or class of publication with the object of reporting to the Minister whether or not in the opinion of the Committee the publication or class of publication—
>
> (a) by reason of the nature or extent of references therein to sex, drug addiction, crime, violence, gross cruelty or horror, or for any other reason, is undesirable reading for children under the age of eighteen years and should be classified as a restricted publication or class of publication;

The Little Red School Book is a typical example. Some people thought it should have been banned, but others did not. Let me now cite, as a hypothetical case, a book that might be circularised among children. The contents of that book may preach sedition. It may well be that it would be highly desirable that such a book should be banned. Going further, let us say for

example, a book is published which is completely biased, but untrue in its basis; that it preaches against, say, the Labor Party, or religion, or racism.

The Hon. L. A. Logan: You would not doubt the first one, would you?

The Hon. G. C. MacKINNON: Yes, I would. I would ban that quick and lively, not because I support the Labor Party, but on principle.

The Hon. L. A. Logan: I am only joking.

The Hon. G. C. MacKINNON: I know the honourable member is joking. As I was saying, let us say for example, that a book was published that preached sedition, or had something to say about the Liberal Party. This is not defined in the Bill, and indeed it would be difficult to define unless the Bill contained a phrase or passage that was in the original measure presented in another place. Those words were: or for any other reason.

As I have said, a committee is to be appointed, on which it is to be expected the Minister would appoint reasonable people. One must also expect that the Minister would be reasonable, despite evidence we have had to the contrary lately. Normally we would expect the Minister to be reasonable.

The Hon. J. Dolan: You are not looking my way, are you?

The Hon. G. C. MacKINNON: I am talking about the immediate past. I believe we should have flexibility in the Bill, and when it is taken into Committee I intend to move in that direction. I am just giving my general reasons. The committee must report to the Minister and each individual member may report if he likes to disagree. Therefore, if we include the words "or for any other reason" the Minister has sufficient avenues of advice so the provision would not be used wantonly or wilfully. It should be included in the legislation because we cannot tolerate sedition or anti-Semitism if it is done in a certain way. Some books on the problems of racism are excellent reading and would not, by any stretch of the imagination, be considered to be censorable. However I have seen some circulated, and they could be offered for sale, but we could well do without them.

Another aspect not mentioned is hate. We have all seen publications which practically preach hate, and hate alone. Other publications try to foment fear. None of these types of publication can be included in a definition; but if we have a well-balanced committee, the provision should be included.

Clause 7 deals with restricted publications and certain information is given defining the classes of legislation. I notice, and this is a little odd, that the Bill includes a provision which officially gives permission to the Minister to change his mind. I think that is a very good idea. It makes it statutorily permissible for a Minister to change his mind. I know it is not peculiar to this one portion of the Bill, but it will enable the Minister to vary or revoke a previous decision.

It must be remembered that some years ago it might have been considered to be reprehensible to read certain publications, or to be seen reading them, but today this is not the case. The Bill also contains appeal provisions and I consider these are highly desirable.

In general, the updating of the Act is timely and desirable. As I said earlier, one could deal at great length with a Bill of this nature because it concerns everyday things which worry all parents and education authorities and over which a great deal of argument can arise.

Earlier this year we dealt with a Bill introduced by Mr. Claughton, which touched on censorship in relation to advertising of contraceptives.

I do not intend to delay the passage of the Bill which I consider to be desirable. The two proposed amendments will make it read a little better. I read the protracted debates in another place on the amendment to clause 6, but I was unconvinced by the reasons given for the deletion of the words I propose to move to insert. I believe that the Minister was right in his original attitude. The other amendments have made the Bill a little tidier and it will be even better with the inclusion of my amendment concerning the word "publication."

The Hon. R. H. C. Stubbs: I am glad you picked that up because I do not want books dealt with under this, but only publications.

The Hon. G. C. MacKINNON: When a person reads a Bill over and over again, it is easy to miss a point. When someone reads it for the first time often any error will jump out and hit him in the eye.

With the amendments the Bill should be acceptable all round. Plenty of opportunity will be available in Committee for members to deal with any matters they may care to raise. I am prepared to support the second reading and, provided the two small amendments are made, I intend to support the Bill right through all stages.

THE HON. R. F. CLAUGHTON (North Metropolitan) [12.26 p.m.]: Censorship is a very vexed problem and has been the subject of a longstanding argument within Australia for many years. It is of great concern to anyone actively engaged in politics because of the way society operates. In an open society such as ours censorship is even more vexing. In order to maintain a free flow of information and a free interchange of ideas and to enable persons to present differing viewpoints from those currently accepted it is necessary that we have freedom in connection with censorship.

However, at the same time I am very glad I am not the person responsible for deciding what is and what is not permissible.

The Hon. G. C. MacKinnon: They tell me you get to read some very interesting books.

The Hon. R. F. CLAUGHTON: That may well be so. I do not desire to refer to my private reading material, except to say that I do like to read a wide variety, and to read opposing viewpoints because it is impossible for a person to understand his own position if he does not understand that of the person who holds an opposite view.

Mr. MacKinnon referred to racism. One of the most racist books I have read is to be obtained from our own Parliamentary Library. It deals with the white Australia policy and was written by a reverend gentleman in the 1920s. I suppose the ideas were acceptable at that time.

The Hon. G. C. MacKinnon: Published at that time it has the aura of public respectability.

The Hon. R. F. CLAUGHTON: That is right. When the proposed legislation was first introduced representations were made by the Fellowship of Australian Writers because it was concerned about the possible effects on the publication of its works. I am pleased to report that the Minister readily agreed to meet the members of that fellowship and, as a result, amendments were made in another place.

The members of the fellowship objected amongst other things, to the phrase "or for any other reason", which Mr. MacKinnon is proposing we replace in the Bill. They felt that under such a provision works of a political nature could be censored simply because they contained views contrary to those held by the people in charge of the censorship.

I believe the Minister is a reasonable man and he would not permit anything to be censored unreasonably. However, attitudes do vary and what might be thought to be undesirable by some people may, perhaps, be allowed to be printed because of the views of our open society.

I am prepared to leave it to the Committee to discuss the merits of the proposition. I think the clause gives the Minister sufficient scope because it covers a wide range of things. I am not sure that we really require the undefined power because we do not know what it will eventually include.

The Fellowship of Australian Writers feels, particularly, that censorship may be imposed on a political basis under the terms of the proposed amendment. However, they will now have the right of appeal on any determination made by the Minister, which was not in the original Bill. I support the Bill.

THE HON. G. W. BERRY (Lower North) [12.34 p.m.]: I rise to support the Bill but I make it quite clear that I do not think it goes quite far enough. Perhaps I belong to the dying race which does not agree, completely, with our present-day permissive society. I do not agree with the relaxing of our censorship laws, such as they are.

I have previously referred to pornographic material when I produced in this House a paper which was made available for sale in the town of Carnarvon. The people of that town were concerned that such literature was available in newsagents' shops. However, I have since discovered that the same publications are available in almost all newsagents' shops.

Some residents of Carnarvon have expressed considerable concern and I have had presented to me a submission containing 887 signatures. The submission was originally intended to be a petition for presentation to this House but unfortunately it was not in the correct form. The 887 signatures are, in the main, those of residents in the town of Carnarvon. Of course, there may be the names of a few visitors included. The parchment which I have in my hand was given to me in the form of a petition, and it reads as follows:—

> WE THE UNDERSIGNED CITIZENS IN CARNARVON, alarmed and concerned at the ever increasing distribution outlets of pornographic material and addictive drugs, nationally and locally, feel constrained to protest with the utmost vigour at government inaction. Taking into consideration the often-mouthed catch-cries and well concealed fallacies that abound in modern society which tend to lead our youth and future citizens into an area of moral degradation and decay, we refute the arguments of permissiveness and make a demand for a stronger stand and more trenchant legislation to eliminate these abuses. Our first concern and immediate aim is to seek more robust and far-reaching sanctions against publishers, distributors and purveyors of pornographic literature and like action against importers and peddlars of addictive drugs—soft or hard.
>
> It is true we have applauded the government's decisions that have made excellent medical facilities available to remove collar studs, half-dollar pieces, open safety pins, rusty screws and picture hooks from the anatomies of people of all ages. However, we must equally deplore legislation, Federal or State, that permits the minds of youth to be subjected to the distortion and corruption that comes from obscene publications and films. We must equally deplore similar

inaction of the above governments to control more severely the widening distribution of addictive drugs.

We reject without compromise that man is merely an animal and that the things are natural and to be expected. That is only half of his nature and is, in fact, the lower half. Man is an animal and man is a body. Quite true! But a body guided by reason, responsible to a conscience, subject to moral and penal law, illumined by intelligence. If this is not true, man is not responsible for his actions before any law. The pretence that indecency and drug addiction are natural to these—the whole man—is too big a sugar-coated sophistry to swallow.

We reject forcefully the highly spiced fiction that makes perfumed and silken debasement seem magnificent and liberating, glorious and brave. By contrast, our national heritage of decency is made to seem timid and stodgy, mouselike and weak. Any dead fish can go down the stream with the current! It takes inner and well-controlled reserves of power to hold to basic goodness—will power, and wont power! !

Furthermore, we reject the further fallacy that circulates in pretentious areas which goes down gullible gullets that, "It is about time we changed our moral code to fit a changing world." The idea seems to be that since sex liberties and drug addiction are on the increase in our society, we should lower our standards. But this is like saying, "Here, in our country, we have an increase of robbery and violence, so we might as well legalise them." In other words, instead of putting the law in force, or more officers on the force, we should put the law in mothballs. And, if anyone doubts that a lowered sex morality and increased drug addiction are more harmful to people than are acts of robbery and violence, let them look at some of the matrimonial driftwood washed up into the divorce courts, or let them review some of the human flotsam and jetsam that drug-swamped addicts present, or let them seriously ask what standards they would set for their own children.

There is another morsel of illogic that slides down people's throats like a lozenger, and which is the favorite of the literary and entertainment world—"We just give the public what it wants." This wellworn statement is always accompanied by the pleasing tinkle of profits in the pocket. We reject such reasoning because it justifies anything from prostitution to narcotics. They, too, are dedicated to supplying a demand. We contend that no-one has a right to give the public, or any portion of the public, what it wants, just because it wants it. If something is obviously against the moral law or penal law, we simply have no right to demand it. The interesting fact is that when human nature is abused, physically or mentally, it passes its own judgements.

We reject Shelley's epigram so readily thrust down the throats of the gullible—"To the pure, all things are pure." Like any good epigram it has the ring of finality—like a pistol shot! Nice sound, but no sense. We might as well say, "To the honest all things are honest, especially blackmail and burglary!" It isn't what YOU are that makes things pure and honest; it is the things you DO. In other words, it's the drug in the bottle that decides the label, not the label that decides what is in the bottle.

We reject the free-wheeling philosophy that proposes the weird opinion that "After all, it can't be wrong if everybody does it." EVERYBODY? Everybody is a lot of people—in fact, all people. NO! Everybody doesn't do it. Not everybody—some people maybe—everybody, no. We reject this fallacy because it is one of the easiest to reduce to absurdity. The presumption of going from a particular statement to a universal!

Notably it has been said that we cannot legislate on moral matters. But, of course, governments do this every day. They legislate against theft and murder, child molestation and drunken driving. But they do not have the intestinal courage to legislate against pornography and drug addiction with any conviction or strength.

It is our belief that the stiff fibre of moral integrity, ever a characteristic of our nation, still hangs from the flagpole of this land. We demand that this flag be kept flying and, therefore, resent the relative ease with which certain elements of the country are given immunity to perpetrate open debasement and moral turpitude upon an often unsuspecting people. Our future heritage and our future moral worth as a nation rest with our youth. We demand to have them protected. Other civilisations did not fall into ruin and decay from external pressures but from the moral laxity within them. The three great civilisations of the earth fell into ruin primarily because they were beset by the problems that face modern society and refused to face the reality. And thus it is that we press our demands that legislation be made to stop the distribution, sale and display of pornographic material.

Righteousness exalteth a nation, but sin is a reproach to any people. Proverbs 14 v 34.

The Hon. J. Dolan: Who is the author of that?

The Hon. G. W. BERRY: I understand the author is Mr. Ron White of Carnarvon. He is the local dentist. He brought the petition to me. I presume he and the people with whom he was associated in gathering the 887 signatures were instrumental in drawing it up. That indicates someone is sitting up and taking notice of what is going on.

It will be recalled that I produced some papers in this House. I went to one of the book stalls in Perth and found on sale the publication which I now show members. I will not quote the name of it because to do so would give publicity to the people who publish it. It is here for those who want to see it. Now this one is published in Brooklyn, New York. Members will see it has been well used. It has been opened many times and has been well read. I would like to state the reason for that. It has some—

The Hon. G. C. MacKinnon: "Salacious" is a good word.

The Hon. G. W. BERRY: —erotic studies. I could not describe it. It is absolutely filthy. It is pornography at its worst. It would be a banned publication but it is on sale in other parts of the world at newsagents' stands.

The Hon. D. K. Dans: Is the first publication published overseas?

The Hon. G. W. BERRY: That was published in Sydney.

The Hon. D. K. Dans: The second one is an overseas publication?

The Hon. G. W. BERRY: Yes. I presume it came in by ship. It came in somehow.

The Hon. D. K. Dans: You did not purchase it?

The Hon. G. W. BERRY: No. It was handed to me. It must have been brought in. I am sure the censor would not pass it. I am making the point that this publication is on ready sale in other parts of the world, and if things continue as they are going it will be on sale in this part of the world before long.

I hold up other publications which can be bought for 20c at any newsagency in the State. One of them was once a very funny paper. Now it is only funny to people who have a perverted sense of humour. It may say somewhere that it is for adults only, but nearly everyone looks like an adult these days. I give the Bill my greatest support because this is becoming a very serious problem.

In the *Daily News* of the 20th September there appeared a report under the heading, " 'Lord Porn' reports: Gaol pornographers." The report begins—

> After a year of investigating pornography, a committee of prominent Britons has urged new laws to send more pornographers to gaol.

It states that the committee recommended the tightening of the laws on obscene publications. *The West Australian* of the 21st September carried the following report:—

> After a year of investigating pornography a committee of prominent Britons today urged new laws to restrict the permissive society and send more pornographers to gaol.
>
> The committee's 200,000-word report attacked an obscenity boom which, it said, had already created the first "blue film" millionaire and flooded the country with dirty books.
>
> "We are not prudes or killjoys," said the report signed by the 52 members of the privately-sponsored committee.

In *The West Australian* of the 7th October there appeared another article under the heading, "Five 'kings of porn' defied." It reads—

> An anti-pornographer last night declared war on the "five kings of porn" in London.
>
> A former Labour M.P. Mr. Raymond Blackburn, earlier yesterday told the High Court:
>
> "Five men own all the striptease and pornographic shops in London. They produce magazines of indescribable filth, which must be stopped."
>
> The court gave Mr. Blackburn leave to seek an order against the Metropolitan Police Commissioner, Mr. Robert Mark, directing him to enforce the laws against pornography.
>
> Mr. Blackburn (56) of Chiswick, London, told the court: "I have visited 50 or more shops in the Soho area, and more outside, including Hammersmith, which were selling the most extreme pornography."
>
> He handed a glossy magazine to the judges which showed a naked boy and girl embracing.
>
> Of another magazine, he said: "I bought this when standing next to a mother and child in a sweetshop which had children going in with their mothers all day. This is hard porn."

Another article in the *Daily News* of Wednesday, the 1st November, stated—

> The Stony Stafford Magistrates Court has ruled that 134,000 copies of 35 books published by the Olympia Press are obscene.
>
> The defence said it would not call expert witnesses at this stage. It said it would request a stay of execution pending an appeal.
>
> The prosecution is asking for forfeiture of the books under the Obscene Publications Act.

Then, on the local scene, we find the following article in *The West Australian* of Thursday, the 21st September, under a Brisbane date line:—

> The Queensland Government was urged today to exercise greater control over the "noisy, filthy, scruffy, sex-perverted minority" at the Queensland University.

The Hon. J. Dolan: A Labor Government would not stand for that.

The Hon. G. W. BERRY: I would now like to refer to the Longford report on pornography. The report was compiled by the Longford Study Group, under the chairmanship of Lord Longford, and the members of the group represented a wide cross-section of the community. The list of members is long, and I do not think it is necessary for me to read it to the House. Apart from the recommendations in the report, I think chapter 6, entitled "Pornography in Perspective" is relevant to the matter we are dealing with. With your indulgence, Mr. President, I will read that chapter, which is found at page 429 of the book—

> Why have we undertaken this Inquiry? Not because we are prudes or kill-joys. But because we have been made aware of influences at work in our society which endanger the very capacity for real joy by denigrating and devaluing human persons. Those who think that we are making heavy weather out of what is no more than a light breeze have not seen what we have seen. Nobody who has looked at some of the publications we have found to be circulating in some schools can have any doubt that our young are liable to be exposed to influences which are not only undesirable but potent to poison a child's imagination and expectations of human relationships.

That is exactly what it does. To continue—

> Our purpose then is positive. What we want to secure for all children and young people is the opportunity to imagine, expect and achieve the best kind of personal relationships. Some of us approach this positive aim from humanist and humanitarian motives; others of us from avowedly Christian beliefs and hopes; but all of us are concerned to open up for the young an understanding and experience of sexual relations as the exchange of personal affection, caring and commitment. Far from wishing to dismiss the body from its function in expressing relationship, it is the Christian marriage service which invites the bridegroom to say to the bride "with my body I thee worship"; or in another version "with my body I thee honour". In Christian teaching the physical union when rightly understood is experienced as the sacrament of love, that is as the outward expression of the existing love commitment of the one to the other and the outward means of deepening that personal commitment in a shared life.
>
> It is because pornography, in D. H. Lawrence's stark phrase, "does dirt on sex" that we are against pornography. But we are against pornography precisely because we are *for* a loving, pleasurable and satisfying sexual expression and experience as a means of enhancing the lives of men and women. Inescapably the emphasis of this Report is on the side of controlling and curbing influences which we find to be destructive. Some liberties have to be limited if other liberties are to be enjoyed. But this curb and control is being called for only as the negative element in a positive purpose.
>
> Our Inquiry will have failed in its postive purpose unless it awakens in our nation a much more urgent concern for better education about what it means to be and to become a genuinely human person. Our appeal is beyond our immediate recommendations for reform of the law of obscenity. Our appeal is to parents, teachers, clergy, social workers, youth leaders, writers, broadcasters, to take more serious and imaginative thought about ways of preparing children and young people for life and for relationships. The only adequate protection against the poison of pornography is the formation of inner attitudes which set a different value on human persons and raise different expectations of personal relationships.
>
> For many of us the standard by which we would wish our nation to evaluate human beings is to be found in the teachings and personality of Jesus Christ. For others the standard, if less clearly etched, is based none the less on the belief that real happiness and personal fulfilment can only be achieved within personal relationships of a certain quality. All of us would wish to leave in the mind of the reader of this Report the realisation that what needs to be done is more radical and far-reaching than reform of the law and the increase of restraints. As T. S. Eliot has put it in his play *The Family Reunion*, happiness does not
>
> > "consist in getting what one wanted Or in getting rid of what can't be got rid of,
> > But in a different vision."

I think that chapter clearly brings home to us the insidious methods of the purveying of pornography. I am sure the House will support the Bill, and my only regret is that the measure does not go further

than it does. I know that the standards are changing and today we can speak of things we did not speak of in years gone by, but we must never forget that civilisations before us have trod the path we are now treading and those civilisations do not exist today.

I sincerely hope the Bill will be passed and that the amendment foreshadowed by Mr. MacKinnon will be accepted. The more loopholes we leave in the legislation the greater will be the opportunity for exploitation. I support the Bill.

Sitting suspended from 12.57 to 2.15 p.m.

THE HON. I. G. MEDCALF (Metropolitan) [2.15 p.m.]: These days we hear a great deal about pollution of the air, water, and the land. We are told that pollution of the air is caused by smoke, smog, and fumes from motorcars, diesel fumes, and carbon monoxide. We hear about pollution of the water and the sea. We hear about pollution of the land from pesticides, and pollution of fresh water by radio-active waste, industrial waste, and the disposal of refuse. Finally, under the provisions of the Noise Abatement Bill, we have recently been discussing pollution by noise.

However, what about pollution of the mind? We do not hear so many complaints about that. Is not pollution of the mind just as serious as pollution of the air, water, or land?

The Hon. J. Dolan: It is worse.

The Hon. I. G. MEDCALF: Pollution of the mind is pollution of the people who are to enjoy the air, water, and the land, and if our society is not able to prepare people for the enjoyment of what nature has provided, I think we have all failed.

We frequently hear from a vocal minority who confuse democracy with license. They believe we should enjoy freedom to write, to draw, to see, or to publish anything we desire, and that we should have the same freedom to read anything we care to read and to listen to anything we care to hear.

The Hon. R. F. Claughton: I have in mind the Australian writers who could not be called a vocal minority. They have raised the question of pollution of the mind.

The PRESIDENT: Order!

The Hon. I. G. MEDCALF: Civilised democracy is based on the right of the majority to lay down the rules of national life even on the subject of ethical values. I am sure nobody here would question the propriety of Parliament to legislate to prevent public abuses. This, of course, has long been established by precedent.

Is it not proper that Parliament should legislate on the subject of pollution of the mind? The problem, of course, is to identify the publications, pornographic, or otherwise, that amount to pollution of the mind and the problem we all have to face —here again I am taking the risk of differing from Mr. Claughton—is that it is difficult to decide where the line is to be drawn. Mr. Claughton did not say that it was difficult, but he implied it.

The Hon. R. F. Claughton: Yes, that is correct.

The Hon. I. G. MEDCALF: I am pleased to see that we are at last on the same wave length. As I said, it is difficult to decide where the line should be drawn, and that is the whole question: Where is the line to be drawn? We should perhaps ask ourselves this basic question: What is pollution? Pollution is the destruction of the purity or sanctity of something. It is to make it foul, filthy, or unclean. It is to defile, desecrate or profane something. It is to make something unhealthy or impure.

Pollution of the mind can occur through a variety of media and here I am not referring to television or to newspapers. I am referring to sex, sadism, violence, or racial antipathy. So the mind of the people can be polluted by any of these things. I think three basic questions should be considered when we are discussing legislation on pornography. The first question that one often hears debated in the community today is: Is there more pollution of the mental atmosphere today than there was, say, 50 years ago? The second question is: Does it do any harm? The third one, which perhaps naturally follows the other two, is: What can be done about it?

In dealing with the first question: Is there more pollution of the mental atmosphere today than there was 50 years ago? I think the answer most people would give is that there is. There is nothing unclean about sex, as Mr. Berry pointed out in quoting from the Longford report just prior to the luncheon suspension. Sex is a gift of God and is not unclean in itself. It is the expression of a tender, caring, responsible relationship, such as the total fulfilment which comes about in the ideal marriage.

When I was putting the question as to whether there was more pollution of the mental atmosphere today than there was 50 years ago, I was speaking rather loosely. I should have said 150 years ago, to be precise, to cover the Victorian era, because in that era there was a great deal of prudery, hypocrisy, and double standards.

There were two standards, one for the people who could do as they pleased within certain limits, and another adopted in the exploitation of girls and women from a lower social order. In the Victorian society divorce was virtually impossible. Only in recent times has it become possible, generally speaking. In those days mistresses were quite common and illegitimacy abounded. The moral standards, although

preserved in theory, were broken in practice; whereas today sex is quite openly discussed, and there is nothing wrong with that. In a sense things are better. There has been a gain in that people are more honest and open in their discussions of matters which were perhaps kept hidden in a Victorian society where hypocrisy was quite obviously practised.

Although it is a gain for sex to be openly discussed we must still decide where the line should be drawn. It is not a gain when sex is discussed in a coarse manner, and although it is good that the double standards of the Victorian times have gone, has there not been a levelling down rather than a levelling up?

In a relative sense today there is a comparative freedom from unwanted pregnancies. I know that Mr. Claughton will take exception to that, but I am speaking in comparison with former times. However, has this not also encouraged promiscuity? Clearly a breakdown in moral standards has occurred under the delusion that this is how everyone behaves, and the sanctity of the person which I think is basic to our outlook has, in a sense, given way to a philosophy of regarding people more as mere things or playthings. This applies in literature, television, on the stage, in films and in magazines. It is the same everywhere.

Mr. Berry gave numerous examples of how women are regarded as playthings and how their social acceptance has been lowered in the standards applied to them. We do not have to go far to find examples of where sex has been presented in a crude and horrifying form, often with inconceivable crudity, with everything spelt out and no holds barred. Many TV serials—not so much here because we do have a form of censorship—and some of the films which have been shown to members, and others which are viewed by the general public, seem to be obsessed with sex and with presenting a monochromatic picture of the sordid side of life. There is almost unlimited nudity and a complete obsession with worthless sexual perversions.

That is the situation today and I think the answer to the question is that although there have been certain advances on perhaps the hypocrisy of former times, nevertheless the wheel has gone too far in the opposite direction and there is an obsession with crudity and the sordid side of life which we should not tolerate in our society.

Therefore in answer to my own question, I believe the general pollution of the mental atmosphere is worse today than it was in former times.

The second question I asked was: Does it do any harm? We hear this question on all sides and many people say there is no harm in it all and that pornography corrupts no-one. That is the answer we get. In fact, distinguished commissioners have found that pornography will bore or disgust most people and be a solace to the maladjusted. That is revealed in some of the reports of Royal Commissions. However, most people will find it impossible to accept that argument.

What about the analogy of pollution of the air, water, and the environment? Does that also do no harm? Perhaps no one book or film will corrupt the normal person, but what about a diet of pornography? If we are to have such a diet, is it not probable this would tend to corrupt the morals of most people? Certain associations of ideas will spoil the enjoyment of much which was previously clean and healthy and some people will develop a taste for sexual deviancy and grow up overstimulated or revolted by sex. Sex need not, in any sense of the word, cause revulsion in the proper context.

Nevertheless if there is a diet of pornography and it is overdone it will cause a revulsion against sex. This would be extremely bad, and anti-social action may be precipitated in people who are not normally anti-social, but who are perhaps trembling on the brink.

It is difficult to prove that pornography does corrupt people, but the onus should not be on people to prove that it does. The onus should be on those who say it does not corrupt people, to prove that assertion. Surely if good literature has an uplifting effect, then pornography must have the opposite influence.

A simple illustration of this is to consider the advertising campaigns of big industries, companies, and businesses. Millions of dollars are spent every week on advertising and we hear the same slogans repeated on television and on the radio, and we read the same slogans in the newspapers exhorting people to buy particular products or to do certain things which will cause the sale of a particular article.

Surely these millions of dollars are not wasted. If people are prepared to spend that money, surely they expect results. Such advertising has been going on for years. Had advertising not been a successful method of promoting a product it would have died out years ago. Today, advertising is a more important and bigger industry than it has ever been before. My analogy is that, if continued advertising of a certain product has an effect on people, surely a continuous diet of pornography will also have an effect. This is particularly so if the diet refers not only to pornography in the sense of sexual deviancy, but also to sadism, as many magazines do, promiscuity, and violence. Will not all this have an effect on the community generally?

We should ask a third question: Can anything be done about this? I believe something can and should be done and that there are two means of achieving results. The first is by education and by

directing things along the right lines. By this, I do not mean, in any sense, overall direction but a general stimulation of the right influences in the community and a pointing out of the dangers inherent in not being able to draw the line in the right place. The second is by the law, and this is why we are here today debating the Indecent Publications Act Amendment Bill.

The law, on its own, can do little if it is not backed by public opinion. This is the vital element. Although some members of our community would have us dispense with the law altogether—they say that this kind of legislation only means censorship and is not necessary—others see merit in laws, the purpose of which is to enforce standards which we believe are in tune with the best section of public opinion and the best elements in our society which we want to encourage. I am not advocating censorship in a narrow sense; but, nevertheless, I firmly believe there should be legal penalties for those who go too far. Some would say this is a limitation of liberty, but I do not believe it is.

The purpose of the law should be to protect those who need protection and this sometimes necessitates restricting the behaviour of others. The purpose of the law should be to protect the young who should be encouraged to regard pornography as offensive. The law should protect those who are too young to discriminate. Yet another purpose should be to protect those who may become sexual deviants and those, whom I mentioned a moment ago, who may be trembling on the brink. Finally, the purpose is to protect those who do not wish to have pornography thrust upon them. One way is to ensure that admission to unsuitable films and access to unsuitable literature should be forbidden to people under a certain age.

I could make many comments on the subject of pornography, in general, but they would not be relevant to the Bill. I am restricting my remarks to the Bill that we are proposing to introduce on the subject of pornography.

I sound a further warning. The law cannot do everything. Many people think it can. This applies not only to the subject of pornography but to many other spheres.

Mr. President, from your experience in public life, you would know how often someone suggests that a law should be passed; or else the question is asked: Why does not the Government do something about a certain matter in the form of legislation? Legislation is no good unless it is supported by public opinion. Public opinion must back up our laws and we should not pass laws unless we believe they are able to be enforced because of the sanction of public opinion. I believe this law would be able to be enforced by the sanction of public opinion. A strong body of public opinion exists to the effect that many of the publications in our midst and on sale at news-stands, as Mr. Berry illustrated, go too far. These publications debase sex, emphasise crudities, violence, and deviancy. I believe it is up to the Parliament to assert that it believes such a law is capable of being enforced, both in the practical sense and in the sense that the public will accept it. I believe the public will accept this legislation and I support the Bill.

THE HON. R. H. C. STUBBS (South East—Chief Secretary) [2.35 p.m.]: I wish to thank Mr. MacKinnon, Mr. Claughton, Mr. Berry, and Mr. Medcalf for their general support of this measure. The purpose of the Bill is to bring about uniformity in legislation between the States and also to protect the young. The legislation has already been enacted in some States and it will be brought down in others in the near future as a result of conferences which have been held.

I want to make my position quite clear. I told the Parliamentary Counsel that I did not want to see any books of merit restricted. All people should be able to read such books. I was interested in dealing with the rubbish to which children have ready access in shops these days. Mr. Berry has referred to some of this. The publications are on display and anyone can buy them. The idea is to prevent these publications from being generally available. If people over a certain age want them they must ask for them. People under a certain age will not have access to these publications by the passage of this measure.

Recently I gave permission for the police to prosecute under the Indecent Publications Act. I found out that, although a certain publication is printed in Australia, actually it is foreign-owned. Apparently at one time it was imported, but through the efforts of Mr. Chipp, this was stopped. The prohibition was overcome by actually printing and distributing the publication in Australia. This is the kind of publication we hope to restrict. At the moment children can easily buy these publications, take them to school, and show them to other children. I have received hundreds of complaints in this regard. I could not count the number of phone calls and letters I have received from parents who object to this type of material being readily available to children.

I know censorship is an extremely difficult question, because it is impossible to please both sides. In fact, one cannot win. It does not matter how conscientious is the endeavour, one side will say that the right action has not been taken. We know how Mr. Chipp was criticised for his actions. I admire Mr. Chipp greatly for what he has done in the way of censorship. I have made that comment previously in this House. Since I have attended the conferences I have had a little to do with him and I have come to admire his attitude.

Mr. Medcalf made a point when he talked about pollution of the mind. This is precisely the position. I recently put on a film to be seen by members of Parliament. I wanted to bring home the fact that this kind of thing exists and is readily available to all sections of the community. Many members saw the film. I did not put it on as a form of entertainment; my prime objective was to illustrate certain inherent dangers. Some members were prepared to go a long way in their attitudes, but others were not. We had to stop somewhere. I screened the film for this reason.

When the Indecent Publications Act Amendment Bill was introduced in another place an article subsequently appeared in the media. The West Australian branch of the Fellowship of Australian Writers then wrote to me. Some of the writers, in company with a lawyer, saw Mr. Campbell; I was not available. They eventually asked me to meet a deputation, which I did, and I seem to recollect that of a deputation of eight, four were males and four, females. I discussed their complaints with them.

Before this happened I had received a phone call from the University of Western Australia. I cannot remember the name of the gentleman who rang me, but he was a Professor of English. He said that he and several of the tutors objected to the proposed amendments to the Indecent Publications Act, as they would restrict writers.

The Fellowship of Australian Writers submits that the Bill will frustrate genuine writers. The legislation is not concerned with genuine writers—we are after the people who produce and sell the rubbish which has been referred to. For some reason the other people did not turn up, but I did meet the representatives of the Fellowship of Australian Writers.

These people made several points. The first was the fact that there is no provision for appeal. After careful consideration I felt that we could provide for appeal to a District Court judge. This will be more satisfactory than an appeal to a magistrate. I consented to an amendment in this vein, and it was passed in another place. I have a letter here from the Fellowship of Australian Writers dated the 2nd November. The fellowship claims that the Bill is an attempt to get convictions. That is not the purpose of the legislation. Although we have to authorise convictions, we intend only to proceed against such publications as *Sexy*, *Searchlight*, *Bawdy*, and *Flame*. The fellowship objected to the words in the Bill "or for any other reason." I felt this attitude was quite reasonable, and the amendment to delete the words was carried in another place.

Mr. MacKinnon has made certain suggestions, and I feel these have merit. However, I have given my word to the Fellowship of Australian Writers and I will adhere to it. I admit Mr. MacKinnon put forward some very cogent reasons for the inclusion of the words but I will not vote for his amendment.

The Hon. G. C. MacKinnon: If you look at subclause (2) on page 6 it says you may change your mind.

The Hon. R. H. C. STUBBS: I know. However, I will not change my mind because I have given my word.

The Hon. G. C. MacKinnon: Fair enough. I appreciate your position.

The Hon. R. H. C. STUBBS: I am indebted to Mr. MacKinnon for drawing my attention to the other small amendment relating to the word "book." I have already said we do not intend to prosecute the genuine writers—we are after the obscene publications.

A member of the fellowship claimed that the legislation would frustrate and inhibit him as he is in the process of writing a book on his experiences as a Japanese prisoner of war on the Burma railway. He said, "My book will contain some pretty gutsy stuff. I cannot tell the story without it." I assured him we were not after this type of work—he would be simply relating facts.

I wish to thank all the members who have spoken to the debate. The Bill is a genuine attempt to do something, although I do not know whether it goes far enough. If it does not we will have to look at it again. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. H. C. Stubbs (Chief Secretary) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 6 repealed and substituted—

The Hon. L. D. ELLIOTT: Mr. MacKinnon intends to move an amendment to delete the word "book" in clause 10. The Chief Secretary has indicated he will support the amendment, so I feel the amendment will be carried. I can see no other reference to the word "book" in the Bill.

The Hon. G. C. MacKinnon: It was inadvertently left in clause 10.

The Hon. L. D. ELLIOTT: In that case I can see no reason to include the definition of the word "book."

The Hon. G. C. MacKinnon: You must look at the parent Act.

The Hon. L. D. ELLIOTT: There is no section 14 in the parent Act. The interpretation says, "in sections 7 to 14 of the Act." I move an amendment—

> Page 2, line 7—Delete the interpretation ' "book" includes magazine and periodical; '

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Could I draw the Committee's attention to the fact that this is an amendment to the Act. The interpretation will be relevant to the parent Act.

The Hon. R. H. C. STUBBS: In my opinion the definition of the word would be for the guidance of the District Court judge, and for this reason I feel we should retain the interpretation.

The Hon. G. C. MacKINNON: I can see the reason behind the amendment but I agree with the comment made by the Chief Secretary. By looking at the Act, anyone could see that a book includes a magazine and periodical whereas a publication goes beyond that. For the reason of general guidance and perhaps to cater for future amendments, I feel we should leave the interpretation in the Bill. I cannot really see that it matters one way or another.

Perhaps the Minister could let me know whether I am wrong in proposing my amendment to clause 10. Was it intended to restrict a book or a magazine under clause 10?

The Hon. I. G. MEDCALF: I think Miss Elliott is right in her suggestion because strictly speaking it is rather useless to have a definition which only applies to sections 7 to 14, particularly if there is no reference to "book" in those sections. But if we change this to read "in sections 6 to 14" there would be some reason for leaving this provision in. It is of no use referring to sections 7 to 14 when there is no reference to "book" in those sections.

If it is intended to define "book" as a publication which includes any book then it would be more desirable to refer to sections 6 to 14. Although this is a cumbersome way to deal with the matter it would be more reasonable.

The Hon. R. H. C. STUBBS: I am quite easy about this and, being a perfect gentleman, I will leave it to Miss Elliott to move the amendment.

The Hon. L. D. ELLIOTT: I do not agree entirely with what Mr. Medcalf has said. It seems rather clumsy to have an interpretation or a definition of another definition.

The Hon. I. G. MEDCALF: I agree with what has been said by Miss Elliott. It is illogical to leave this as it stands. I support the amendment.

Amendment put and passed.

The Hon. G. C. MacKINNON: I believe it is necessary that the words "magazine, periodical" be included. I move an amendment—

> Page 2, line 8—Insert after the word "book," the words "magazine, periodical," .

The Hon. L. D. ELLIOTT: It is unimportant whether or not these words are inserted because would not reading matter of all kinds cover this aspect?

The Hon. G. C. MacKinnon: It could but I want to make certain it does.

The Hon. J. DOLAN: Miss Elliott asked whether this would cover all reading matter but I think we should make certain of the position by accepting Mr. MacKinnon's amendment.

Amendment put and passed.

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

> Page 2, line 9—Insert after the word "or" where second appearing the word "other".

The Hon. G. C. MacKINNON: I believe this is completely unnecessary.

The Hon. R. H. C. STUBBS: I agree with Mr. MacKinnon.

Amendment put and negatived.

Clause, as amended, put and passed.

Clauses 4 and 5 put and passed.

Clause 6: Section 9 added—

The Hon. G. C. MacKINNON: I move an amendment—

> Page 4, line 36—Insert after the word "horror" the words "or for any other reason".

The Minister will be given the power to refer publications to the advisory committee. I believe it ought to be extended for the reasons I gave during the second reading. I gave examples of the material which might be referred, and I mentioned material relating to sedition, racism, etc.

The Hon. R. H. C. STUBBS: I can see some merit in this amendment, but I have given my word that I shall take steps to have these words eliminated and I feel conscience bound to vote against the amendment.

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

Ayes—14

Hon. C. R. Abbey	Hon. N. McNeill
Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. A. F. Griffith	Hon. F. R. White
Hon. Clive Griffiths	Hon. R. J. L. Williams
Hon. J. Heitman	Hon. W. R. Withers
Hon. L. A. Logan	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. V. J. Ferry *(Teller)*

Noes—11

Hon. N. E. Baxter	Hon. R. T. Leeson
Hon. R. F. Claughton	Hon. T. O. Perry
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. W. F. Willesee
Hon. L. D. Elliott	Hon. D. K. Dans
Hon. J. L. Hunt	*(Teller)*

Pair

Aye	No
Hon. S. T. J. Thompson	Hon. R. Thompson

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 7 to 9 put and passed.

Clause 10: Section 13 added—

The Hon. G. C. MacKINNON: I move an amendment—

Page 11, line 5—Delete the word "book" and substitute the word "publication".

I am sure everyone has heard about this amendment, and as has been indicated there will be total agreement to it.

The Hon. R. H. C. STUBBS: I appreciate the fact that Mr. MacKinnon picked this point up. It was not meant in the way the provision was expressed, and I thank Mr. MacKinnon for bringing this to our attention.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 11 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), and returned to the Assembly with amendments.

ALUMINA REFINERY (MUCHEA) AGREEMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

QUESTIONS (4): ON NOTICE

1. ROADS

Esperance Region

The Hon. D. J. WORDSWORTH, to the Leader of the House:

(1) What moneys have been spent on—

(a) the road on the eastern side of the saddleback which joins up with Dunns Road, 22 miles east of Esperance; and

(b) Dunns Road?

(2) What work has been done in each of the last five years?

(3) In how many places were these roads washed out—

(a) last year; and

(b) this year?

(4) (a) Is the road now passable;

(b) if not, when will it be passable?

(5) Whose responsibility is it to keep this road open?

(6) Are these roads subject to any special Act of Parliament?

(7) Are bridges required for these roads in place of stoned road-crossings and three feet culverts which were washed away?

The Hon. W. F. WILLESEE replied:

(1) The Main Roads Department has expended the following funds:—

(a) $25,443 (Shire Road No. 226). $45,814 (Shire Road No. 73).

(2) Over the last five years the following works have been carried out progressively: clearing, earthworks, formation, gravelling, culverting.

(3) (a) Road No. 226—3 places.
Road No. 73—9 places.

(b) Road No. 226—3 places.
Road No. 73—Not known.

(4) (a) Road No. 226—Not throughout.
Road No. 73—Not throughout.

(b) In April next year the Main Roads Department plans to carry out restoration and improvement works on both Road No. 226 and Road No. 73. However, the local authority may be prepared to carry out this work at an earlier date.

(5) Esperance Shire Council.

(6) No.

(7) No.

2. WOOL

Sales: Quantities

The Hon. D. J. WORDSWORTH, to the Leader of the House:

(1) What was the total weight of wool sold at auction in Western Australia from—

(a) the 1st July to the 19th November, 1971;

(b) the 1st July to the 19th November, 1972?

(2) What quantities were awaiting sale by auction at—

(a) the 19th November, 1971;

(b) the 19th November, 1972?

(3) Has there been an estimate of the wool sold privately from—

(a) the 1st July to the 19th November, 1971;

(b) the 1st July to the 19th November, 1972?

(4) Have woolbrokers, the Department of Agriculture, or the Commonwealth Statistician made estimates of—

(a) the expected reduction in the State's clip because of seasonable conditions and poor lambings;

(b) the amount of wool arriving at selling centres earlier than usual due to farmers shearing earlier in the season than the previous year;

(c) the number of farmers who have sold forward (on the sheeps back) who normally would not have sold their wool at this time of the year?

(5) Is it not considered that this information will have a vital effect on the prices that wool will bring in the New Year?

The Hon. W. F. WILLESEE replied:

(1) (a) Wool sold from 1st July to 31st October, 1971*—30,173,287 Kg.**

(b) Wool sold from 1st July to 31st October, 1972*—37,473,450 Kg.***

(2) (a) Wool awaiting sale by auction at 31st October, 1971*—30,531,518 Kg**

(b) Wool awaiting sale by auction at 31st October, 1972—14,026,650 Kg.***

*Latest available figures from Australian Wool Commission are to 31st October, 1972.

**Average bale weight for 1971-72 was 145.9 Kg.

***Average estimated bale weight for 1972-73 is 150 Kg.

(3) (a) It has been estimated that some 20 per cent of wool was sold privately during 1971-72. Estimates for specific periods within that year have not been made.

(b) Brokers estimate that the amount of wool sold privately this year has increased. The precise percentage is, however, not known.

(4) (a) Joint estimates of the number of sheep shorn and their expected cut per head suggest a reduction of some 17.7 million Kg. for 1972-73 compared with 1971-72.

(b) There is no evidence to suggest that farmers have shorn earlier since Brokers indicate that total receivals for the current season are down by 19 per cent compared with the corresponding period last year, and no increased amounts of premature wools have been reported.

(c) No estimate has been made.

(5) Estimates of State and National wool production indicate that there will be a reduction in total wool production due to an overall decrease in sheep numbers together with poor seasonal conditions.

This situation must be viewed in relation to the other market factors which determine wool prices.

3. POLICE

Indecent Performance at Wanneroo Football Club

The Hon. R. J. L. WILLIAMS, to the Minister for Police:

(1) (a) Are the organisers of a function at which an indecent performance is put on by a performer, guilty of any criminal offence;

(b) if so, what is the offence; and

(c) why were the organisers of the performance at the Wanneroo Football Club not charged with it?

(2) What steps were taken by the police to identify the male participants in the indecent performance at Wanneroo?

(3) (a) Who decided that one male participant should give evidence for the Crown against the female performer rather than vice versa; and

(b) what was the basis of that decision?

The Hon. J. DOLAN replied:

(1) (a) Criminal responsibility is dependent on the circumstances of the particular matter.

(b) The same offence as the females committed or alternatively with counselling or procuring its commission.

(c) Two organisers were required as police witnesses and granted a certificate under sections 11 and 13 of the Evidence Act. They claimed they were not aware that the act would go to the extent that it did. Further, they claimed they did not know that their degree of participation was breaching the law. The degree of participation is always considered.

(2) Extensive inquiries were made and one participant only was identified. The second man, stated to be a

New Zealander, is believed to have left this State and his identity is unknown. Inquiries continued over about four weeks.

(3) (a) Superintendent in Charge, Liquor and Gaming Branch.

(b) The basis of the decision was that the females were highly paid performers and admitted having performed in the same way previously. One of the females was conducting an escort agency and the other two were working for an escort agency.

The male participant was not paid and acted on the spot at the request of one of the females. The evidence of the male performer was considered necessary.

The evidence against each female was her own admission, coupled with the evidence of three accomplices, who, at law, could not collaborate with each other.

4. GOVERNMENT DEPARTMENTS

Switchboard Hours

The Hon. W. R. WITHERS, to the Leader of the House:

In view of the answer to question 4 on Tuesday, the 21st November, 1972, will the Minister request all the departments who cannot provide a continuous service between 9.00 a.m. and 5.00 p.m. to list their hours of service in the Perth telephone directory for the convenience of the public?

The Hon. W. F. WILLESEE replied:

The suggestion will receive consideration when the next telephone directory is due.

IRON ORE (McCAMEY'S MONSTER) AGREEMENT AUTHORIZATION BILL

Second Reading

Debate resumed from the 15th November.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [3.17 p.m.]: This Bill of three clauses is accompanied by a schedule containing a considerable number of other clauses in the form of an agreement and referring to the development of certain iron ore deposits by the participants named in the agreement, and known as the joint venturers.

The joint venturers are Consolidated Gold Fields of Australia Limited, with an 11 1/9 per cent. equity interest; Cyprus Mines Corporation, with an 11 1/9 per cent. interest; Utah Development Company, with an 11 1/9 per cent. interest; M.I.M. Holdings Limited, with a 25 per cent. interest; and two Western Australian companies which jointly hold a 41 2/3 per cent. interest. The Western Australian companies are Hancock Prospecting Pty. Ltd. and Wright Prospecting Pty. Ltd. I might say that all of those companies are known to me.

This Bill is very similar in its approach to the type of agreement which the Government obviously intends to persist with; the unsigned agreements asking for the authority of Parliament for the right to sign those agreements in this form—or substantially in this form. What I am about to say I have said on so many occasions that I suppose it is getting to the stage of being boring. What we are doing is authorising an agreement, the actual details of which we do not know. We do not know what the final agreement will be between the joint venturers and the Government because of the variation clause, and clause 2 of the Bill authorising the signing of the agreement. Those clauses are so broad that apart from the general principle and concept of the agreement rearrangements or alterations can be made.

In this type of matter the alternatives are that the Parliament can turn the Bill aside; it can pass it; or it can offer some amendments to the schedule of the Bill. Some amendments were offered yesterday to the schedule of the Pacminex (Muchea) Bill, which was concluded today. I suppose it could be said that was a useful exercise.

The feature of unsigned agreements to which I, personally, take the greatest objection is that it is impossible for members to read and understand the agreements in the time available. The Pacminex exercise continued from 1971 to 1972, and the time between the presentation of the two agreements gave me an opportunity to pick up certain matters which I had missed in the agreement last year. That will not be possible in this instance because there will not be sufficient time.

The first comment I make in respect of this agreement is that it is a generous one, to say the least, in comparison with other agreements made by Governments in the past. This agreement is very generous in relation to the time given for the submission of proposals to the Government for the development of the iron ore reserves known as McCamey's Monster and other areas of iron ore included in the temporary reserves given to the joint venturers under this agreement. A period of five years is obviously too long and shorter periods should prevail.

From the time the Government approves of the proposals under the agreement, the company is given four years in which to develop a capacity of not less

than 1,000,000 tons per annum. That could be stretched out to nine years in the first instance. Within 10 years of the commencement of export the companies must submit proposals for secondary processing, with a capacity of not less than 500,000 tons per annum by the end of the 12th year and not less than 2,000,000 tons per annum by the end of the 16th year. A right is given to join in with others in processing, and iron and steel production must commence within 20 years of the first shipment.

In all the circumstances, this is surely unrealistic and over-generous in the year 1972. However, that is the basis of the agreement the Government is making. It seems to me the Government does not have the capacity to drive bargains hard enough on behalf of the State. Each of the agreements which come before us seems to give treatment to the companies involved which is too generous in regard to the time allowed for development, the conditions of development, and so on.

On page 8 of the agreement mention is made of mining areas. It reads—

> "mining areas" means the area delineated and coloured blue on the plan marked "A" initialled by or on behalf of the parties for the purpose of identification and comprising Temporary Reserves Nos. 4194H, 4326H, 5004H and 5006H together with such additional areas as the Minister may from time to time approve;

I would like to know what are the additional areas of which the Minister may approve. It is obvious to me that the Government has approved of the granting of some additional areas to these companies.

I happened to read the address to shareholders of the Chairman of Consolidated Gold Fields Australia Limited at the annual general meeting in Sydney on the 25th October, 1972. Among other things he said—

> . . . I mentioned in my address of last year, the expansion plans have been modified by deferring the development of the outlying Kennedy Gap deposit and by substituting the Sunrise Hill deposit, which adjoins Shay Gap, with significant savings of capital expenditure.

Further on he said—

> As mentioned last year the Mount Goldsworthy Joint Venturers joined with M.I.M. Holdings Limited, Hancock Prospecting Pty. Limited and Wright Prospecting Pty. Limited to carry out exploration of the Pilbara iron ore temporary reserves known as McCamey's Monster and Western Ridge. This exploration continued during the year and a preliminary feasibility study for the ultimate development of the project was completed. McCamey Iron Associates (the name given to the joint venture exploring the areas) in which the Company has an 11 1/9 per cent. interest, has established a sales office in Japan and market investigations are continuing through that office. Negotiations for an iron ore agreement with the Western Australian Government are nearing completion and it is hoped that the agreement will be executed shortly. The agreement assures security of tenure of the reserves initially for a period of five years and prescribes the obligations to be undertaken by the Associates during that period having regard to the ultimate development of the project.
>
> Although exploration has confirmed the existence of very large tonnages of ore, considerable technical and marketing effort has still to be expended before the economic viability of these deposits can be established. During the year further areas in the vicinity of the reserves were allocated by the Government to the McCamey Joint Venturers and the exploration and testing of these additional areas is being undertaken.

I would like to have a description of these additional temporary reserves that have been given to McCamey Iron Associates, because one has to read into this agreement the fact that those additional reserves, together with the temporary reserves the numbers of which I have read out, are the basis of the agreement.

The point I am driving at is that whilst we know the details of the four temporary reserves—because a plan has been laid on the Table of the House showing the reserves—we do not know the real basis of negotiations regarding the ultimate mining areas which will be made available to the company. Or, more correctly stated, we do not know from which of the four temporary reserves, or from which of the additional temporary reserves, the mining areas will be chosen, because under the agreement the company has the right to choose an area of 300 square miles from the temporary reserves.

In most agreements of this nature the temporary reserves are stated in the agreement and a plan is laid on the Table of the House indicating their areas. Also, the agreement states that the company may apply for and be granted a total of, say, 300 square miles from those temporary reserves. However, in this case the company is to be given four areas, together with such additional areas as the Minister may approve from time to time. I do not know how many additional areas have been approved, but whatever the number it simply means that the extent of the area from which the associates can draw

their 300 square miles is not only likely to be very large, but some of it is not defined on the plan. I think the Leader of the House will appreciate that point. I go so far as to say that I cannot see that those words should remain in the schedule if, in fact, the bargaining power of the State is watered down by adding to the agreement temporary reserves which are unnumbered and unspecified in name, size, and location.

I think it is far better in these cases to be assured of a situation in which temporary reserve holders in respect of iron or any other mineral are obliged, if they want the reserves brought under an agreement, to negotiate new temporary reserves with the Government. But the Government is taking away that strength by the inclusion of the words to which I have referred.

I think at this point I should mention that I view with a great deal of uncertainty the wisdom of the action of the Government in completely opening up the State for applications for iron ore temporary reserves. I commented the other day that were I still the holder of the office of Minister for Mines I would be prepared to reopen the State for applications for temporary reserves in respect of minerals other than iron ore—minerals for which over the last two and a half to three years the Mines Department has not been granting temporary reserves, for obvious reasons.

I believed it was the intention of the present Government 12 months ago not to grant further temporary reserves, and to introduce its new Mining Bill to cover the situation. That Bill at present rests in another place at about clause 8, and has done so for a long time. I think the inability of the Government to get the Bill through Parliament has caused the Government to make an alternative decision to allow prospecting to commence again. I repeat that if I were the Minister for Mines I would be prepared to give favourable consideration to the granting of temporary reserves in respect of minerals other than iron ore. However, at the present time there are too many iron ore companies and not as many customers as we would like; so I think the State would be better off if the Government retained closer control of the iron ore situation.

The only result I can see is fragmentation of the whole development plan. I have a copy of the plan produced by the Government in respect of the Pilbara and North-West, but I cannot lay my hand on it at the moment. It is a very pretty document, but I do not know that it tells us much. I think fragmentation of the development of the north will result from the opening up of the State for applications for temporary reserves. More temporary reserves are being granted, and still more may be granted in the future; and the Government is under a moral obligation to undertake negotiations with those who hold the temporary reserves.

The only advice I can offer—if it can be couched in terms of advice—is that the conditions under which the reserves are granted should be sufficiently tight to ensure the Government maintains control; but at the moment there is no real evidence of that.

When reading *The West Australian* recently I found an article which referred to the granting of temporary reserves being strongly criticised by a member in another place. I do not propose to deal with that criticism. However, I was amazed to find the following comments:—

> The Minister for Development and Decentralisation Mr Graham, said . . . When the Government came into office there was only sterility and stagnation in the north. Three companies were operating and a fourth was building its project.
>
> "There was absolute chaos in respect of the rest," he said.
>
> The Government had acted to get things moving.

Another thing that amazes me is the fact that *The West Australian* should print comments such as those. I am sorry I cannot give members the date that article appeared in the Press, but I think it was within the last week or ten days.

I presented a considerable number of industrial development Bills to this Chamber when I occupied the seat now occupied by Mr. Willesee. Members of his party praised those measures and spoke of the great benefits they brought to the north. I have attended the opening of a considerable number of projects, and I think it is perfectly safe to say that so far as the north is concerned only a decade ago there was comparatively little development, apart from pastoral pursuits, fishing, pearling, and the like. Yet one reads in the Press an amazing statement by Mr. Graham that when his Government came into office there was only sterility and stagnation in the north.

The Hon. W. R. Withers: That produced $400,000,000 income last year.

The Hon. A. F. GRIFFITH: Of course one only has to bother to read the financial statements of the Government to find from where it is getting its revenue. One finds that a substantial proportion of the revenue going into the Treasury is derived from royalties on iron ore, as a result of the development in the Pilbara and the north.

I think it was irresponsible of the Minister to say that until the present Government came into office there was nothing but sterility and stagnation in the north. I am surprised that *The West Australian* printed such a statement when everyone

in this Parliament knows it is not correct. I am sure it is safe to say that the north has seen more mineral production, at any rate, in the last decade than at any other time in its history. I am aware that at various times during past years there has been activity with the production of gold, manganese, and copper, but never in the history of this State has there been the same degree of exploration and subsequent production of minerals as has occurred in Western Australia during the past 10 years. Therefore it ill becomes a Minister of the Crown to make such an irresponsible statement.

We have been told that this agreement is akin to the Rhodes Ridge agreement. In effect, the Leader of the House said that, broadly, this agreement has been based on the terms and conditions of the Rhodes Ridge agreement with which members will be familiar. I am reasonably familiar with the terms and conditions of the Rhodes Ridge agreement, and as the occasion presents itself this afternoon I will relate and place on record one of the distasteful features of that agreement.

It will be recalled that the debate on the relevant Bill and the unsigned schedule attached to it brought forth some criticism from me in the dying hours of the last session; in fact, in circumstances similar to those that surround the presentation of this agreement. At that time the Government was anxious to further its legislative programme. On that occasion the Government was not blaming the Liberals for wasting the time of Parliament and keeping it sitting unnecessarily. It is only recently that the Premier has made such a statement.

In regard to the points I had raised on the Rhodes Ridge agreement and which could have been considered, I had a meeting with the Premier, the Leader of the House, Sir David Brand, and Mr. Charles Court—as he then was—in the corridor outside the post office, and when I returned to this Chamber I made the following statement, which commences on page 1955 of No. 9 of the current *Hansard*:—

> To say the least, I do not think the agreement should be signed, and I have expressed this opinion to the Premier as late in the afternoon as an hour ago at a conference which took place between the Premier, the Leader of this House, Sir David Brand, Mr. Charles Court, and myself. The Premier gave me an undertaking that the points I am now raising will be thoroughly examined by the Government before the agreement is signed, and also he will give us—perhaps Mr. Court and myself particularly—an opportunity to discuss these points with him. There will be some form of consultation before the agreement is signed. I accept that undertaking and for that reason I am prepared to support the second reading of this Bill this afternoon.

Sitting suspended from 3.45 to 4.02 p.m.

The Hon. A. F. GRIFFITH: Prior to the afternoon tea suspension I quoted from *Hansard* some words I used on the 22nd June this year. After Mr. Williams had made a contribution to that debate Mr. Willesee said—

> I wish briefly to confirm the remarks made by the Leader of the Opposition—a man of the highest integrity—who at the conclusion of his speech mentioned a meeting we held earlier this afternoon where an undertaking was given that the points he raised in his speech would be given careful consideration by the Government before this agreement is signed. I endorse what he said. I was present when that undertaking was given and there will be no backing away from it. Whether we sign the agreement before it comes to Parliament or after it has passed through Parliament, is a matter for deliberation by the people who form the Government of the day, and those people are justly entitled to their opinion. They should not be sneered at in any way. Ultimately there is no difference because the agreement will be signed by the Government of the day. I will pursue that point no further at this stage.
>
> I thank the Leader of the Opposition for his constructive remarks and again reassure him that everything he said, along with the remarks made by Mr. Medcalf, will be given the consideration promised at our prior meeting.

The only reason I have made that quotation is because some months later—in fact the day before the Rhodes Ridge agreement was to be signed—I received a telephone call from the Premier during which he said that it had been drawn to his notice that certain undertakings had been given on his behalf, and he read out the relevant portion from *Hansard*. He told me that he did not say that, so I assured him that he had. He later changed his mind and said that he did not remember having said it, but that if I said he did, he must have.

I accepted that, and I am merely relating the incident because to my way of thinking the matter was resolved in a very unsatisfactory manner.

Sir Charles Court and I were expecting to be called in to a conference on the matters I raised, but apparently someone slipped up somewhere along the line because the Premier had not been reminded of the undertaking he had given. The result was that almost at the very hour the

agreement was to be signed he had to call us into consultation after having deferred the signing of the agreement for a day in order that the points might be considered. I say to his credit that he deferred the signing of the agreement for a day, but that was quite insufficient because Sir Charles Court and I had little opportunity available to us at that date to check through the points.

I raise this matter merely to indicate I will not bother to take any similar action on this agreement because, as I have said before, I do not have the ability to go through these agreements and offer drafting amendments. I do not have the ability to read them and absorb their contents in the time available to us. Even though the legislation has been on the table for a couple of weeks, it is too difficult a job to perform; and I think the Government would be far better off entering into its agreements and telling us what its obligations are rather than bringing along unsigned agreements in a manner which I continue to regard as unsatisfactory.

Apropros of the temporary reserves, clause 11 of the schedule on page 21 of the Bill states that at a particular time the joint venturers will be entitled to receive an area of land which shall not exceed 777 square kilometres, which is approximately 300 square miles. That clause has relation to the earlier interpretation regarding mining areas; and the hidden part of this is that we do not know the areas from which that 777 square kilometres is to be taken. I repeat that the Government would be better off if it permitted the deletion of those words, and I give the Minister notice that, at the appropriate time when the Bill is in Committee and the schedule is being considered, I will move an amendment to delete those words. I do not think the amendment will do the agreement any harm, but it would, in fact, strengthen the Government's position.

Other than that, I have only one or two comments to make. An increase in royalty has been mentioned, but in my opinion it is nominal, to say the least. During the election campaign the present Government said it would achieve wonders in respect of renegotiating agreements to obtain bigger royalties, but it has not been very successful, and the increase under this Bill is quite nominal.

Another point is that nothing very definite is stated about rail and port facilities. There is a vagueness, to say the least, in respect of these matters. I think what the agreement really does is to consummate an arrangement between the Government and the company in which the company is able to go out to negotiate. I believe these agreements should be more definite in the way of development and they should fit in with the Pilbara plan of which the Government was so critical when the previous Government was in office. It now has its own so-called Pilbara plan which it considers to be so perfect. I repeat that it was a pretty book I had here the other night, but it did not tell me very much.

There is nothing else I can do or say in relation to the agreement. I repeat that there is so much of it and it contains so much complicated reading that it is beyond my ability to offer amendments to it, and I do not propose to try to do so at this stage. If I were to seek the time necessary to obtain the advice I require to have all the clauses explained to me together with all the details involved in the agreement, then the agreement would certainly not go through this session, or we would have to be back here later on in order to complete it. It was in that undesirable atmosphere five or six months ago when it was threatened that we would be brought back again for another week, that I obtained the undertaking to which I have just referred. However, I will not adopt that course of action any more.

I simply satisfy myself with the remarks I have made and conclude by asking the Minister to tell me, in respect of temporary reserves, (a) what they are; (b) where they are; and (c) the extent of the reserves given to the joint venturers for the purpose of the fulfilment of the agreement.

THE HON G. W. BERRY (Lower North) [4.12 p.m.]: I rise to support the second reading and to draw attention to a problem to which reference is made in the schedule. Clause 21 of the schedule contains 16 subclauses, all dealing with the water to be used in the operations of the company. It is obvious that great expansion will take place in the Pilbara and other areas in the north. The water will have to come from underground supplies because that is an area with a very low rainfall.

I draw the Government's attention to the fact that the time is fast approaching, if it is not already here, when it will be necessary seriously to consider drawing on the water resources in the north. Recently we passed legislation ratifying the Pacminex agreement and again that project will involve the use of some millions of gallons of water. We hope that sufficient underground water will be available for the Pacminex project, and that the supplies for the metropolitan area will not be affected eventually.

There is no doubt that the situation will become more serious in the areas of development if we do not start now to look to the future and plan accordingly.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.14 p.m.]: I thank Mr. Arthur Griffith and Mr. Berry for their contributions to

the debate. The point raised by Mr. Berry is one of interest because at some time in the future without doubt it will be necessary to draw water from the Kimberleys for use further south in the State. The extent will, of course, depend upon the need. Obviously the problem becomes most acute in areas of small rainfall where the underground supplies of water are limited. I can assure the honourable member the Government is aware of this situation.

Mr. Arthur Griffith has posed some questions and I am somewhat concerned that he proposes to amend a provision in the schedule of the Bill. Through you, Mr. President, I ask the Leader of the Opposition to agree to allow me to reply to specific points at the Committee stage. At the moment, I propose only to complete the second reading.

The question of signing agreements before they are presented to Parliament has been raised. From my own point of view, I think I would be happier if agreements were signed before they were brought to Parliament. We, in this Chamber, debate the agreements closely and I must be in the position either to accept amendments or defend the existing provisions. I suppose if the agreements were signed before they came to Parliament they could not be amended at all. This is the basis of the difference between the Labor Party and the Liberal Party. As was said by the Leader of the Opposition, ultimately the agreement is signed by the Government of the day. The question is whether the agreement is signed before or after it is brought to Parliament.

The Hon. A. F. Griffith: When an agreement is signed before it is brought to Parliament, Parliament ratifies that agreement and knows what it is ratifying.

The Hon. W. F. WILLESEE: That is so. However, I wonder what would have happened in the case of the site originally proposed for Pacminex.

The Hon. A. F. Griffith: The answer to that is so simple, that I wonder why you ask. The Government would have brought back another Bill, as it did anyway.

The Hon. W. F. WILLESEE: If the agreement had been signed?

The Hon. A. F. Griffith: The Government would have brought back an amending Bill.

The Hon. W. F. WILLESEE: I am surprised.

The Hon. A. F. Griffith: Why?

The Hon. W. F. WILLESEE: I would have thought that, once the agreement was signed, that was it.

The Hon. A. F. Griffith: On the contrary.

The Hon. W. F. WILLESEE: I thought this was the position once the Government had affixed its seal to the agreement.

The Hon. A. F. Griffith: Agreements relating to Mt. Goldsworthy, Hamersley, and Mt. Newman have all been altered.

The Hon. W. F. WILLESEE: At later dates.

The Hon. A. F. Griffith: Yes.

The Hon. W. F. WILLESEE: This agreement could also be altered at a later date and probably will be.

The Hon. A. F. Griffith: I think I misunderstood the point originally made by the Leader of the House.

The Hon. W. F. WILLESEE: I said that the original Bill brought down in connection with Pacminex would have gone through.

The Hon. A. F. Griffith: If there is occasion to alter it, another Bill is brought before the Parliament.

The Hon. W. F. WILLESEE: That would be the case now.

The Hon. A. F. Griffith: Not unless the Minister considers it should be brought before Parliament.

The Hon. W. F. WILLESEE: The same position applies under the other circumstances when an agreement has been signed before it is brought to Parliament. Of course, an amending Bill is brought down if the legislation needs to be changed. I cannot recall the measures brought back by the previous Government, but I know that some were.

The Hon. A. F. Griffith: I can recall them. Every time an alteration was made to the original agreement, an amending Bill was brought before the Parliament.

The Hon. W. F. WILLESEE: The same situation would apply now in respect of this agreement. The Government is giving its signature to a specific agreement and any alterations would be brought before the Parliament.

The Hon. A. F. Griffith: The Leader of the House is arguing that the agreements ought to be signed before being brought to Parliament.

The Hon. W. F. WILLESEE: I am talking of Government policy. Do not misunderstand my personal situation. From my own point of view, I think I would prefer to see them signed beforehand. This difference in policy exists between the Liberal Party and the Labor Party. To bring an agreement unsigned before the Parliament gives members the opportunity to study it closely.

I agree with the Leader of the Opposition; the provisions are complicated. All such agreements are lengthy and usually their composition is similar. It is bewildering to pick up, say, the Mt. Goldsworthy agreement and go through it provision by provision. It certainly takes a long time and presents many problems.

When I was in Opposition I took them on trust and faith, in the main, believing that the intention was good. I see no departure, in principle, in the contents of this agreement from those of other agreements.

The Hon. A. F. Griffith: You do not have to; in all those areas only sterility or stagnation resulted according to Mr. Graham.

The Hon. W. F. WILLESEE: I did not say that.

The Hon. A. F. Griffith: I know.

The Hon. W. F. WILLESEE: Nor did I criticise that legislation. However, I will not enter into personalities. I commend legislation which is brought forward in the form of an agreement, whether it concerns the north or the south of the State. All these agreements are advantageous to members of the public and to the Government. Governments cannot be effective if they do not have the necessary money. All Governments need more money than that which is available. Politically, this seems to be the story of our lives. As time goes by, the demands in an individual electorate become greater and we need more and more money.

Other points mentioned by the Leader of the Opposition have been raised previously in this House. It is a basic truth that the present agreement is based on the Rhodes Ridge agreement which we dealt with late in the session last year. On this occasion we are in a more fortunate position.

I note the remarks made by the Leader of the Opposition and the opinions which he has expressed. I thank him for his overall support of the Bill and, in the Committee stage, I will endeavour to give detailed replies to the questions he has raised in connection with the additional reserves.

Question put and passed.

Bill read a second time.

RESERVES AND ROAD CLOSURE BILL

Second Reading

Debate resumed from the 21st November.

THE HON. J. HEITMAN (Upper West) [4.22 p.m.]: Of necessity, from time to time, Bills of this nature are brought down with the object of altering, cancelling, or changing the purposes of reserves for a variety of reasons. On this occasion 17 different reserves are to be altered in some way or other.

I do not intend to deal with them all. The file is available and a lucid explanation has been given of what will happen in respect of each reserve. I would like to mention only one or two specifically.

The first one to which I shall refer is at South Guildford. It is an old R.S.L. hall site, which is really in a built-up area. The site will be sold and the proceeds will be directed towards the establishment of a war veteran's home at Mt. Lawley. I cannot think of a better memorial than a building which can be used and enjoyed by such people in their old age.

A somewhat similar situation exists at Goomalling. The people at Goomalling intend to erect a home for the aged on the recreation reserve. There is a football oval in the centre of the reserve and basketball courts in one corner. In the corner nearest the town it is planned to have a home for the frail aged. I think it is wonderful that local authorities in country areas are encouraged to erect such places. Parliament is quite prepared to assist them by altering the classification of an "A"-class reserve which is intended for recreation and sporting facilities. This will be a wonderful asset for the people.

I shall also mention the Boulder reserve which, more or less, is the old racing track. The caravan park on the corner of the old racing track, facing Burt Street, is to be enlarged. I mentioned to Mr. McNeill the other evening that I was born in Boulder and we used to live in Burt Street. I cannot remember the occasion, but I am pleased it happened.

The Hon. N. McNeill: So are we.

The Hon. W. F. Willesee: I wonder how your mother felt!

The Hon. J. HEITMAN: There is no need to talk for the sake of talking in connection with these reserves. As I have said, such a measure comes up in practically every session of Parliament. We all agree that the alterations are made in the best interests of everybody concerned. I support the legislation.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.26 p.m.]: I thank Mr. Heitman for his succinct remarks to the measure. He has referred to various provisions which indicates that he has studied the measure closely. The comments he has made are interesting, particularly those relating to his birthplace.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. R. F. Claughton) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 to 14 put and passed.

Clause 15: Reserve No. 23307 at Wagerup—

The Hon. N. McNEILL: I would like to make some observations in connection with this reserve and what has taken place. Reserve No. 23307 at Wagerup is near Yarloop. At present it is, in fact, vested as a national park and it is only a portion of a total reserve which is vested for the same purpose.

As a result of certain representations, part of the total area has been subdivided and excised. The portion of the reserve proposed to be excised is about 40 acres. Members who travel along the South-West Highway have probably seen this reserve. In recent years it has served as a camping site for Main Roads Department gangs, and some very extensive work has taken place along the highway.

This area contains a sandpit which was used in the construction of the Logue Brook dam, which is not very far from the reserve, and this sandpit is very noticeable from the highway. The local people referred this matter to me quite forcibly some years ago. They questioned the use being made of the reserve when it was vested as a national park. The local residents required some action in the way of preservation and conservation.

The excision of this area has been a matter of considerable negotiation between the Shire of Harvey and the Lands Department. Sand in the area is at somewhat of a premium, and this is one of the few places where it is available. Agreement was reached between the Main Roads Department and the shire acting on behalf of the local residents and this Bill is the direct result. A portion of the area has been set aside for the use of the Main Roads Department and the other portion is vested in the Shire of Harvey for its own purposes and for the use of local residents.

Certain conservational interests have pointed out that the area is a national park, and the excision is not necessarily a good thing. Concern was also expressed about the untidiness of the area in view of its proximity to the highway. It is a rather unsightly blot on the highway near Yarloop.

I have made representations to the Lands Department and the Shire of Harvey to attempt to meet the requirements of the local community and the people interested in the preservation of the area. In my opinion, this clause is a reasonably acceptable compromise. In view of the fact that portion of the area has been set aside as a sandpit, I would like an assurance from the Main Roads Department that every possible endeavour will be made to keep it reasonably tidy. The highway has recently been widened considerably and upgraded, and the Main Roads Department has taken a great deal of trouble to tidy up the verges. I feel it is a pity to spoil the area with this sandpit.

I referred to the fact that portion of the area has been used as a camping site by Main Roads Department gangs. Although the land to be excised will be virtually handed over to the department for its exclusive use, I feel the campsite should be shifted from this area, or at least upgraded—and I am thinking particularly of the modern camping areas set aside for industrial projects in the north. The shanty buildings and tents erected by the Main Roads Department do not enhance the area.

I do not intend to oppose the clause—I have simply taken the opportunity to explain the background to the proposal. I express regret that an area set aside primarily as a national park is now to be used for sand purposes, although I realise sand must be made available. I hope the Leader of the House will convey my comments to the appropriate quarters, as I feel the views of the local community should be considered.

The Hon. W. F. WILLESEE: I merely rise to give the honourable member the assurance he seeks. I will draw this matter to the attention of the Main Roads Department.

Clause put and passed.

Clause 16 put and passed.

Clause 17: Reserves Nos. 2991, 17037 and 23756 on Harvey Estuary—

The Hon. N. McNEILL: Again I am sure this area will be well known to many members in this Chamber. The proposed change is in respect of an area abutting upon what is described as Herron Point in the Harvey Estuary, on the upper reaches of the Peel Inlet. I am sure this area is more widely known as Poverty Point.

The road leading to Herron Point from Pinjarra via Coolup is known as Fisherman Road. There is little fishing in the area now, but it is still used for recreational purposes, including crabbing. The intention is to incorporate the area formerly described as a resting place for travellers and stock into the much larger area of national park set aside for the conservation of flora and fauna along the eastern bank of the Harvey Estuary.

This is a delightful spot, and I took part in an official inspection of the area four or five years ago with the then Premier, Sir David Brand. He was very impressed with the bird life, and I believe the name of the point relates to the species of bird rather than the family associated with the late Sir Ross McLarty. Sir David expressed the view that the area should be preserved for the conservation of the bird life.

Herron Point is of historic significance, and although I have no intention of embarking on an exposition now, I feel that historical research could be justified in the future. Some of the earliest development in the south-west—and in fact in the

State—took place here; hence its former use as a resting place for travellers and stock crossing the Harvey Estuary. The incorporation of this land into the national park highlights the changes which have occurred.

I again indicate my support for the clause and I hope that Herron Point receives further attention in the future in the way of facilities and amenities for recreation.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

APPLE AND PEAR INDUSTRY BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 7, 8 and 10 made by the Council and had disagreed to Nos. 1, 2, 3, 4, 5, 6 and 9.

INDECENT PUBLICATIONS ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

METRIC CONVERSION BILL

Second Reading

Debate resumed from the 14th November.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.47 p.m.]: The purpose of this Bill has been explained by the Leader of the House. In short, the measure makes a commencement in the conversion to the metric system.

The Commonwealth Government made a decision to convert to the metric system, based on the belief that there were great benefits to be obtained as a result of effecting that change. As the Leader of the House informed us, the Prime Minister announced in January, 1970, that Australia would convert to the metric system.

I would like to refer to a foreword which appears in the publication *Metric conversion for Australia*. This publication is issued by the Metric Conversion Board. The foreword was written by The Hon. David Fairbairn who at the time was Minister for Education and Science. It states—

> The decision that Australia should, over a period of time, convert to the sole use of the metric system reflects the Commonwealth Government's conviction that very considerable benefits will flow from the change. The metric system is basically much simpler than the complex system of units which we now employ and it is significant that it is being used by more and more countries throughout the world.
>
> Changes in long standing and fundamental practices inevitably create problems and disabilities in the short run, but they should be measured against the lasting advantages to be gained. The success of the change to decimal currency has created a favourable climate for metric conversion.
>
> It is the aim of the Government to facilitate planning and implementation of metric conversion with minimum inconvenience to the public. To this end the Metric Conversion Board has been established. The Board, since its appointment, has been active in giving consideration to key aspects of conversion, such as which units should be used, how best the change can be planned for the various sectors involved and how these plans should be co-ordinated.
>
> The purpose of this booklet is to set out the basis on which the Board proposes to undertake its task and to give preliminary guidance to those wishing to commence their own planning for conversion.
>
> There can no longer be any doubt that the metric system is coming—for many it has already arrived. In the interests of economy and to obtain maximum benefit, I would suggest that you recognise this fact and plan accordingly, particularly when new facilities are under consideration. Conversion can provide a unique opportunity to rationalise outmoded practices and modernise operations. Without forethought these opportunities may be lost. I hope this booklet will serve to indicate preliminary guidelines for your own conversion operation.

The introduction of this Bill by the State Government is in line with the legislation referred to as the Commonwealth Metric Act, 1970. The speech of the Leader of the House is a confirmation of many of the items of interest which are contained in the publication to which I have referred. A study of its contents is worth while. I believe every member of Parliament has a copy.

I am sure we all acknowledge the necessity to keep abreast of the times in matters of this nature. If the change to the metric system is effected with the same ease which was experienced in the changeover to decimal currency I am sure we will all be very pleased.

Personally, however, I have grave doubts whether the change will be quite as easy as it was when we converted to decimal currency. A change to the metric system may be all right for the Minister for Police who is a student of mathematics and a lecturer in matters educational.

The Hon. J. Dolan: I prefer the old method.

The Hon. A. F. GRIFFITH: Speaking for myself, I, too, prefer the old system. As a matter of fact I still find myself converting dollars back to pounds in order to see whether or not I have made a reasonable deal.

The Hon. J. Dolan: It is strange that my grandchildren find no trouble with it, but I do.

The Hon. A. F. GRIFFITH: I hope that my grandchildren will not find any trouble with the conversion.

The Hon. W. F. Willesee: I think they are more likely to find trouble with you!

The Hon. A. F. GRIFFITH: I think I will stick to the Bill before the House. As has been indicated, I daresay we will overcome the difficulties in due course. There is little doubt, however, that a number of the expressions which we use will have to be dropped because the metric system would not convert easily to stress the meaning of some of these expressions.

For example, when I look at the Minister for Police I sometimes say to myself, "Give him an inch and he'll take a yard." I will not be able to use metric symbols to convert that and denote anything meaningful. We all know the nursery rhyme of the crooked man who walked a crooked mile. It would be rather difficult to translate this into metric terms.

The Hon. R. F. Claughton: We will have to use a different yardstick!

The Hon. A. F. GRIFFITH: That is a good one; the honourable member is very bright this afternoon. As it is, I find very difficult the conversion from a fahrenheit to a celsius temperature. I cannot for the life of me see why it is not possible to use the simple term "centigrade." In this connection I find myself applying one or two formulae which I am told will reconvert the celsius temperature to the readings with which I have lived for so long. Previously when the temperature was 95 degrees I knew it was damned hot, but one is apt to feel it is not quite so hot when referring to the celsius figure which of course is much lower.

I think the best thing for all of us to do is to try to break the habit of making a mental conversion when trying to work out the changeover.

The Hon. R. F. Claughton: It is damned hot now when it is 35 degrees!

The Hon. A. F. GRIFFITH: That is right. I do not think metric conversion is going to be quite so easy as was the changeover to decimal currency. We will have difficulty with this until we become fully involved in the new system. Only then will we receive the full benefit from it. I think there is little doubt that we will receive great benefit from the metric system when the world by and large adopts this system.

The Leader of the House has already told us that it is well on the way; that some 90 per cent. of the countries of the world are already operating on the metric system. Australia trades with many of these countries which operate in metrics and, as the general expansion takes place in the other countries, so it will be illogical for Australia to continue to remain on the present system of weights and measures. We must move with the times.

I do not think there is much enthusiasm for the change so far as the general public are concerned; indeed I am sure the changeover to metrics will prove irksome to many people. As the Minister for Police has indicated, the changeover to metrics will prove particularly irksome to those of a more mature age.

I hope the standards association will get to work in relation to consumer goods and goods that are marketed. I notice that at the moment quite a considerable number of consumer goods are being packaged with the use of metric symbols and if we achieve some standardisation it will help the housewife in her daily purchases. I do feel, however, that some difficulty will be encountered, as was the case when we first changed over to decimal currency. It is not the size of the container that counts, it is what is in it.

The Hon. R. F. Claughton: When you get 350 grams instead of a pound it makes things very difficult.

The Hon. A. F. GRIFFITH: The honourable member's wife will have to take him shopping so that he may work this out for her.

I hope the standards association will undertake some activity in this field, because, for the reason mentioned by Mr. Claughton it will be more important to arrive at a uniform packaging system than ever before.

I see no necessity to labour the debate on the Bill. The schedule to the Bill deals with a considerable number of Acts in relation to Western Australia and it shows the necessary conversion in relation to those Acts.

Accordingly, I support the second reading of the Bill.

THE HON. G. W. BERRY (Lower North) [4.59 p.m.] There is little doubt that when we change over to the metric system we will still find ourselves trying to convert back to the weights and measures we know.

Recently we had before this House a Bill dealing with the iron ore McCamey's Monster agreement. The Minister's notes

referred to metric tons. The equivalent of a metric ton is 2,000 lb., or a short ton but, of course, a tonne is 1,000 kilograms. If members will refer to the schedule to that Bill they will see that it contains a reference to "tonne" and not to the metric ton.

This indicates that even in the preparation of documents the measurements should be expressed in units of the metric system. The Minister pointed out that under proposed section 5 the Governor may by proclamation amend any reference in an Act to a physical quantity in terms of units in the metric system. It seems that in future we will have to equate our present measurements with metric units.

In the reference to the Traffic Act contained in the schedule to the Bill we find that mileage has been changed to distance, but if the metric unit had been adopted it would have been shown in "kilometerage." So, it seems that in the future we will have to accept kilometres.

There is only one instance of a fraction being expressed in the tables contained in the schedule, and that is to be found in the table relating to the Road Maintenance (Contribution) Act. Under section 8 (1) (b) reference is made to two-fifths of the load capacity of the commercial goods vehicle, per kilometre of road.

As time goes on we will become accustomed to dealing with metric units, but in the meantime we will have to add, substract, or calculate in some way to arrive at the conversion.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.01 p.m.]: I thank the members who have spoken to the debate on the Bill. Two points have emerged. The first is that the move to the metric system will not be popular. It will not be popular in general terms just as no change is ever popular, but furthermore difficulties will be encountered by those in the more mature age groups in converting the measurements mentally. However, this is a step which has to be taken internationally. In the long term this will be of benefit to us, and as Mr. Dolan pointed out the metric system will not worry our grandchildren one iota. In the meantime we will have to put up with it, and learn to become accustomed to it.

The second point was mentioned by Mr. Berry. Possibly a conflict will arise in regard to the terms of measurement until such time as we are able automatically to adopt the metric system. However, the changeover will be made as smoothly as possible, with the aid of publicity and advertisements as was mentioned by Mr. Arthur Griffith when he made reference to the Commonwealth brochure.

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 The Hon. W. F. Willesee (Leader of the House), and passed.

RESERVE (CONCERT HALL) BILL

Second Reading

Debate resumed from the 21st November.

THE HON. F. D. WILLMOTT (South-West) [5.06 p.m.]: This is a very small Bill and it relates to only one thing. I do not intend to delay the House for very long in dealing with it. The Bill deals with reserve No. 30347 which at the present time is vested in the City of Perth for the purpose of "Concert Hall and Ancillary Uses, Restaurant and Vehicle Parking". It is proposed to alter the purpose to "Concert Hall, Restaurant, Tavern, Vehicle Parking, and Uses Ancillary thereto."

All that the Bill does is to enable the reserve to be used for a tavern license in addition to being used as a concert hall and for parking facilities. This does not mean that a tavern license will be granted. It merely opens the way for a tavern license to be granted by the Licensing Court if it sees fit.

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 The Hon. W. F. Willesee (Leader of the House), and passed.

LOTTERIES (CONTROL) ACT AMENDMENT BILL

Assembly's Amendments

Amendments made by the Assembly now considered.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. H. C. Stubbs (Chief Secretary) in charge of the Bill.

The CHAIRMAN: The amendments made by the Assembly are as follows:—

No. 1.

Clause 2, page 2, line 5—Insert after the word "organisation" the following words "or to any other body or organisation not established for the purpose of trading or for securing pecuniary profit to its individual members" .

No. 2.

Clause 2, page 2, lines 7 and 8—Delete the words "on specified premises for such length of time and".

No. 3.

Clause 2, page 2, lines 11 to 15—Delete the whole of the proviso.

The Hon. R. H. C. STUBBS: It is not my intention to speak at length to the Assembly's amendments, but I should point out that I agree with them. The first amendment is made for the purpose of ensuring that if the Bill becomes law such bodies as parents and citizens' associations, parents and friends' associations, and junior sporting bodies can play bingo.

I am well aware that some people consider the present definition of a charitable organisation covers such bodies, but I am in support of any move that will make their inclusion certain.

As to the other amendments, I can see no harm in people attending licensed clubs, people attending unlicensed clubs, or those attending a function at which a function permit has been obtained, playing bingo, and enjoying a drink or two.

The Liquor Act as it now stands precludes all licensed premises, except licensed clubs, from having bingo played thereon. As a result licensed clubs, unlicensed clubs, and those with function permits will be the only places at which bingo can be played whilst the patrons enjoy a social drink.

After all it adds up to a pleasant social occasion where people can enjoy themselves and at the same time raise money for a deserving cause. As I said in my original speech, the purpose of the Bill is twofold: firstly, it is the means whereby charitable organisations can provide a form of entertainment for their members and, secondly, it enables them to raise a little money for deserving projects.

Football clubs, soccer clubs, and social clubs usually meet in licensed premises, particularly in country and near city areas. They meet in those premises to conduct the affairs of the club, and these premises are the focal point of such organisations. I move—

That amendment No. 1 made by the Assembly be agreed to.

The Hon. A. F. GRIFFITH: We must not lose sight of the original intention of this Committee when the Bill left this Chamber which was that the Lotteries (Control) Act should have a restriction within it that the game of bingo should not be played on licensed premises. The Chief Secretary agreed to that amendment.

On the first occasion that the Bill went to another place, it was not proceeded with. The Bill was again introduced during this session of Parliament and we again included the restriction that the game of bingo could not be played on licensed premises.

The Chief Secretary has now told us that the provisions of the Liquor Act enable the game of bingo to be played on club premises which would be subject to a license under that Act. I would like the Chief Secretary to confirm my understanding because I thought the Liquor Act prevented gambling on any licensed premises.

The Hon. R. H. C. STUBBS: I requested that this matter be researched. As the Liquor Act now stands it prevents the playing of bingo on licensed premises, except licensed clubs.

The Hon. A. F. GRIFFITH: The game of bingo is illegal, and the purpose of the Bill was to make it legal. How can it be legal if played on club premises?

The Hon. R. H. C. Stubbs: When I originally introduced the Bill I mentioned that bingo could not be played on licensed premises.

The Hon. A. F. GRIFFITH: I can recall that the Chief Secretary agreed with the amendment, and he said that in any case gambling was prohibited on licensed premises under the provisions of the Liquor Act.

The purpose of the amendment moved in this Committee was to prohibit the game of bingo being played on licensed premises. The amendment moved by the Legislative Assembly is to the effect that the game of bingo may be played on licensed premises. I am sorry, but I cannot agree with that.

The CHAIRMAN: I would point out to members that we are dealing with amendment No. 1 made by the Legislative Assembly.

The Hon. A. F. GRIFFITH: I have now been supplied with a copy of the reprinted Bill. The amendment moved by the Legislative Assembly is to add the words—

or to any other body or organisation not established for the purpose of trading or for securing pecuniary profit to its individual members.

Would the Chief Secretary explain the amendment to me?

The Hon. R. H. C. STUBBS: The Legislative Assembly is requesting that we reinsert the words which were deleted by this Committee.

The Hon. CLIVE GRIFFITHS: The inclusion of the words will return the Bill to its original form. It is the purpose of the Government that under the definition contained in the Lotteries (Control) Act charitable organisations will be able to receive permission to play bingo. The sole purpose of the reinsertion of the words is to include those clubs with licensed

premises. When the Minister was speaking earlier he said the sole purpose of the amendment was to make absolutely sure that charitable organisations would be eligible to receive permits to play the game of bingo. However, that does not seem to be the situation at all. It has been clearly established that charitable organisations are eligible to receive permission to run raffles. The sole purpose of the Government is to ensure that licensed premises are also eligible. For that reason I cannot agree with the amendment.

The Hon. A. F. GRIFFITH: We amended the original Bill during the Committee stage, and deleted the provision referring to any other body or organisation not established for the purpose of trading or for securing pecuniary profit to its individual members. That left us with religious or charitable organisations as defined under the Lotteries (Control) Act.

The Chief Secretary will recall that when he introduced this legislation he said it was the desire of the Government to afford an opportunity to religious or charitable organisations to play bingo at 1c or 2c a card. As a matter of fact, he made quite an appealing and pleading speech. I was able to foresee that the Bill would include many organisations, and I moved to delete that provision. At the time the Chief Secretary agreed to my amendment, because the Bill conflicted with the provisions of the Liquor Act.

Under the provisions of the Liquor Act a person who bets or plays an unlawful game on licensed premises commits an offence. The original concept of the Bill was that the unlawful game of bingo should become a lawful game so far as religious and charitable organisations were concerned. I think it is undesirable for the game to be played on licensed premises.

I am sorry, but I must say, emphatically, that the proposal will not receive my vote.

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

Ayes—10

Hon. R. F. Claughton	Hon. J. L. Hunt
Hon. D. K. Dans	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. W. F. Willesee
Hon. L. D. Elliott	Hon. R. Thompson *(Teller)*

Noes—16

Hon. C. R. Abbey	Hon. T. O. Perry
Hon. G. W. Berry	Hon. J. M. Thomson
Hon. V. J. Ferry	Hon. F. R. White
Hon. A. F. Griffith	Hon. R. J. L. Williams
Hon. Clive Griffiths	Hon. F. D. Willmott
Hon. J. Heitman	Hon. W. R. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. C. MacKinnon *(Teller)*

Question thus negatived; the Assembly's amendment not agreed to.

The Hon. R. H. C. STUBBS: I move—

That amendment No. 2 made by the Assembly be agreed to.

My reasons are those given in relation to the previous amendment.

The Hon. A. F. GRIFFITH: It is obvious to me the Government wants to open the floodgates. It wants to delete the words "on specified premises for such length of time and" and give an open go. Plainly, that is what the Government wants.

I read in the paper the other day that the Leader of the Country Party called this Government "the gambling Government." I think that is right. It wants to gamble on greyhounds and tombola. If it had not been for the State Executive of the A.L.P. stepping in, we would have had a casino. The only thing we have not been promised is one-armed bandits.

The Hon. R. H. C. Stubbs: You are making a mistake. On one occasion I said in this Chamber that I hated the thought of their ever coming to Western Australia.

The Hon. A. F. GRIFFITH: I said the one thing we have been assured is that the Government does not want one-armed bandits. We are in complete agreement on one-armed bandits. On one occasion Sir David Brand said, "I am not prepared to tie the economy of this State to a one-armed bandit." The Government and the Opposition are at one on this.

In asking us to agree to the amendment under discussion, the Government is jeopardising the original intention of the Bill, which was to give fun to those people who wanted to play this innocent game. Wherever I go, I will make it clear it was the Government—not the Legislative Council—who deprived them of it.

Question put and negatived; the Assembly's amendment not agreed to.

The Hon. R. H. C. STUBBS: I move—

That amendment No. 3 made by the Assembly be agreed to.

The Hon. CLIVE GRIFFITHS: I oppose this amendment for the reasons I have already stated. However, I take the opportunity to remind the Committee that all the way through the Chief Secretary has endeavoured to convey to us that his sole intention was to look after the parents and citizens' associations, kindergartens, and so on. When the Bill was originally introduced in a previous session of Parliament he went to great lengths to spell out those particular organisations. When the Bill was introduced on this occasion he also went to great lengths to spell out those particular organisations. When endeavouring to convince the Chamber this afternoon that it should support these amendments, he went to similar lengths to spell out those particular organisations again, in order to give the impression that this was the Government's sole intention and that they were the organisations the Government was interested in.

The Government has demonstrated that that is not the situation at all and that it is mainly concerned with the organisations which will come within the scope of the Act if we agree to the amendments on the notice paper. The Government is interested in the organisations which have licensed premises. The Government's sole intention is to ensure that those organisations can run the game of bingo. If the Government were interested in parents and citizens' associations, kindergartens, and junior sporting organisations—which are the organisations in which the Opposition parties are interested—the Chief Secretary would not ask us to agree to these amendments.

It stands to reason that the small organisations to which I have just referred would not have a hope of competing for the patronage of the people who want to play bingo with the powerful football clubs which have licensed premises. They will not have the facilities that are available to the licensed clubs. If the person who wants to spend an evening playing bingo has the choice of going to the local kindergarten or to the local football club which has a huge hall, drinking facilities, and other facilities, and a huge membership to call upon with the result that larger prizes will be available, where will that person go? Not to the kindergarten, the junior sporting club, or the Girl Guide Association. People will go to the powerful, organised licensed clubs where they will have a chance to make a large return.

For that reason, we should see through the subterfuge and reject the Government's attempt to provide revenue for the licensed football clubs and other clubs.

The Hon. A. F. GRIFFITH: I would like to refer the Chief Secretary to his second reading speech on page 2989 of *Hansard* No. 14 this year. He said—

> I also think we would be unreasonable if we took the view that everybody who has played the game did so with intent to break the law. The unfortunate thing about it of course is that many people and decent organisations were under the impression that the game was legal.
>
> However, this is not so, as it has been ruled that bingo is a lottery and as such can only be played under permission, and at the present time there is a doubt that the commission has the power to grant such a permit; hence this Bill, the intention of which is to clear up the matter by amending the Act to ensure that permission can be granted.
>
> I feel it is opportune at this stage to say a few words about the popularity of the game of bingo. Over a period I have been approached by a host of organisations such as senior citizens' clubs, migration groups' social clubs, parents and citizens' groups, and the like, to have the playing of bingo authorised.

On casting my eye through the rest of the speech I cannot find any mention of the playing of the game of bingo on licensed premises. The Chief Secretary made exactly the same speech when the Bill was previously introduced.

When I moved amendments to the first bingo Bill the Chief Secretary said that he and the Lotteries Commission approved of them. He said the Lotteries Commission would police the applications for bingo permits very stringently. He told the Chamber the game would be strictly controlled and that he expected it would be played for a mere 1c or 2c a card. There was no mention whatever of licensed clubs, licensed premises, hotels, or anything of that sort.

It was not until I drew him out, point by point, that he told us in his reply to the second reading debate that it was the Government's desire that the game should be extended to licensed premises. I believe the Chief Secretary received his instructions from the Cabinet. I think he conscientiously believed what he told us the first time the Bill was introduced, but when someone in the Government looked at the Bill the Chief Secretary was told to change his mind.

I think the Government has been most unkind to the Chief Secretary, because it has required him to ask us to agree to the amendment, knowing full well that he has already expressed his views to the contrary on two or three occasions. I will not give my vote to the extension of gambling to licensed premises; it is already against the Liquor Act, and it should stay that way.

The Hon. F. R. WHITE: I am rather perplexed. The Bill was introduced in this Chamber by the Chief Secretary, and it went to another place. It has now come back with an amendment to remove the proviso. Even though this is one of the Chief Secretary's Bills he has given no explanation about why he agrees with the Assembly's amendment. That is strange in view of the fact that in his second reading speech he said the matter should be rigidly controlled under specified conditions.

In addition, I feel the amendment may be out of order because it refers to the removal of the proviso in lines 11 to 12. In fact, the proviso commences with the word "on" in line 10 and runs through to line 12.

The Hon. A. F. GRIFFITH: Obviously we are to receive no explanation from the Chief Secretary. I would like him to know that I understand his position and I sympathise with him. Personally, I would not remain in a Cabinet which treated its Ministers in the fashion in which Mr. Stubbs has been treated.

Question put and negatived; the Assembly's amendment not agreed to.

Report, etc.

Resolutions reported and the report adopted.

A committee consisting of The Hon. A. F. Griffith (Leader of the Opposition), The Hon. L. A. Logan, and The Hon. R. H. C. Stubbs (Chief Secretary), drew up reasons for not agreeing to the amendments made by the Assembly.

Reasons adopted and a message accordingly returned to the Assembly.

Sitting suspended from 5.48 to 8.12 p.m.

FRUIT-GROWING RECONSTRUCTION SCHEME BILL

Second Reading

Debate resumed from the 21st November.

THE HON. F. D. WILLMOTT (South-West) [8.12 p.m.]: This Bill brings into operation Commonwealth legislation designed to cut back production of surplus canning peaches and pears and fresh apples and pears. It applies firstly to fruit growers who desire completely to remove trees and retire from the industry altogether. Secondly, it applies to fruit growers who have planted apple trees which are now detrimental to the long-term profitable operation of the properties; that is, properties which will show a better financial return with the removal of the orchard.

The authority will require evidence of the need for financial help to remove the trees, and also evidence that such removal will improve the financial prospects of the property. An orchardist will qualify for assistance if he is producing fruit which is in surplus supply. This criterion is laid down, although provision is included for special cases.

It seems to me that the legislation could create an anomalous situation in this State. It is very unlikely that any orchardists here will apply for assistance in regard to peach trees or canning pear trees. If any tree pulling is undertaken in this State it will be in regard to apple trees, because we have an over-supply of apples. It is an extraordinary situation that in the Eastern States canning peach trees are being pulled because of a tremendous surplus of the fruit and the taxpayers in this State will pay a considerable sum of money for the establishment of a canning factory here which will encourage the growing of more canning peaches. I believe the canning factories in the Eastern States have a stock of more than a year's supply of canned fruits.

We are in a peculiar situation. The other States are attempting to lower production and apparently we are encouraging it.

The agreement between State and Commonwealth provides a maximum rate of assistance of $500 per acre for canning peaches and pears, and $350 per acre for fresh apples and pears. However, the authority will administer the scheme so that the fruit grower receives no more than $350 per acre for canning peaches and pears and no more than $200 per acre for fresh apples and pears. As I said earlier, it is unlikely any peach trees will be pulled in this State, so the maximum for Western Australia will be $350 per acre. The measure states—

> Maximum rates of assistance and maxima for average rates of assistance will be agreed between the Commonwealth and the States in respect of any other products to which assistance under the Scheme is accorded.

Provision is also included in the legislation for the removal of vines.

One could speak at considerable length on this legislation but I do not propose to do that. Last night the House had a surfeit of apples; enough to last us for a long time. I support the Bill.

THE HON. V. J. FERRY (South-West) [8.18 p.m.]: I wish to record my support for the legislation. As Mr. Willmott said, one could talk for a while on a measure of this nature, because it is a complicated subject at the moment.

I believe the provisions in the Bill are meritorious, and they set out to benefit the fruit growers of Australia. However, in the limited time I have had to study the long-term effects of the measure, I have found that only a small number of growers in Western Australia will benefit under the scheme. My understanding is that applications have to be lodged by the 31st October, 1973, which does not give the growers a great deal of time.

Under the terms of assistance, it seems to me that a number of applications will be rejected. A grower must show viability as an orchardist, and I notice applications must be submitted through the local bank with all the supplementary information required under rural reconstruction schemes, such as all information of primary activities for his orchard holding. The application will be fairly involved, and I hope in the light of experience with the previous schemes dealing with other rural industries, the applications will be handled a little more expeditiously than they were just a few months ago.

I believe the only result will be an improvement in the handling of the applications received under this scheme. Some improvement will certainly have to be made if growers are to achieve the desired results. There is merit in ceasing to produce the commercial varieties of apples that are no longer acceptable on the

market, and there is a need to encourage the growing of the varieties that are in demand. I refer particularly to the red apple varieties. Therefore, the motive behind the legislation is quite commendable.

In my view there is ample money provided to meet the needs of Western Australian growers who find themselves in this situation and who may be approved applicants, and I would not be surprised to find, at the end of the 12-months' period, when applications close, a surplus of funds which have not been drawn upon. I would hazard a guess that as a result of experience over the next 12 months the scheme proposed under this Bill could be extended.

As I realise we are getting late into the session I will confine my remarks to what I have already said, except to mention that in regard to compensation for apple and pear trees that will be pulled out, the maximum contribution will be $350 an acre. I am sure there will be a number of properties that will be eligible for an average payment of $200 an acre for fresh fruit bearing trees. However it seems to me that many other growers who may qualify can expect to get less than $200 an acre, because I feel certain many of their trees are very old.

An examination of the details of the scheme will have to be made after the closing date for applications is reached on the 31st October, 1973, and perhaps we may have an opportunity to analyse the response to this scheme, and in the light of experience we may be able to suggest improvements, if that is possible, to make the scheme more acceptable to our Western Australian conditions. I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [8.24 p.m.]: I thank members for their support of the Bill. As Mr. Willmott has said, Western Australian growers will not derive much advantage from the provisions relating to the canning of peaches and pears. The parts of Australia that will benefit from those provisions are the irrigated fruit-growing regions on the Murray, and some of the areas in Victoria, such as those in the Shepparton district. I think it will be Western Australia and Tasmania that will benefit most from the provisions relating to the growing of apples and pears for fresh fruit.

The Hon. F. D. Willmott: Tasmania will get more advantage from them than us.

The Hon. J. DOLAN: Because of the very nature of the fruit-growing industry in Tasmania that State will certainly gain more benefit than will Western Australia. However, I believe the Bill merits the support that members have given to it.

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 The Hon. J. Dolan (Minister for Police), and passed.

NOISE ABATEMENT BILL

Assembly's Message

Message from the Assembly notifying that it had agreed to amendments Nos. 1 and 2, 4 to 9, 12 to 31 and 33 to 35 made by the Council, and had disagreed to No. 3, and had agreed to Nos. 10, 11 and 32 subject to further amendments now considered.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. H. C. Stubbs (Chief Secretary) in charge of the Bill.

The CHAIRMAN: I intend to deal with amendment No. 3 first, and then go on to the amendments that follow. I do not intend to read all the amendments at this stage.

Amendment No. 3 made by the Council, to which amendment the Assembly has disagreed, is as follows:—

No. 3

> Clause 7, page 4—Add after the word "Act" in line 13 the words "provided however that for the purpose of determining whether or not a nuisance has been committed no lesser standards shall be applied than would be necessary to establish a nuisance at common law.

The Assembly's reason for disagreeing to the Council's amendment is as follows:—

> In view of the fact that common law is not defined but is argued from the cases, time could be wasted in the Court by arguing as to whether a particular noise was a nuisance at common law or not; whereas the purpose of the definition of noise coming within the meaning of the Act is to constitute a nuisance at common law.
>
> The amendment would impede the purpose of the Act.
>
> Other Legislative Council amendments which have been accepted subject to amendment by the Legislative Assembly retain the spirit intended by the Legislative Council but in the re-amended form are

believed to better facilitate the implementation and the operation of the Act.

The Hon. R. H. C. STUBBS: When I accepted this amendment I reserved the right for my counterpart to examine it and take appropriate action. The Crown Law opinion is that the matter of common law is not defined but is argued from cases as to whether or not a particular noise is a nuisance at common law. This amendment would defeat the purpose of the definition. The implication of noise within the meaning of this Act is noise which would constitute a nuisance in law. The difference is that it does not have to be decided at common law.

The Legislative Assembly has agreed that this provision could defeat the purpose of the clause.

The Hon. G. C. MacKINNON: In general terms, I am pleased with the degree of acceptance by the Legislative Assembly of the general principles enunciated in this Chamber. Indeed, this is the only amendment which has been refused outright. However, I do feel that the legal opinion accepted by the other place would, no doubt, have application to some cases but I am quite certain that the Minister will leave himself open to a considerable amount of strife. Noise levels have become accepted over the years but there will be an area where some cases will still have to go to the courts to be determined.

I feel it would be churlish of this Committee to insist on the amendment and force a conference.

The Hon. R. H. C. STUBBS: I am rather pleased with the attitude displayed by Mr. MacKinnon because, after all, this is pioneering-type legislation.

The Hon. A. F. GRIFFITH: I regret that other business outside the Chamber on another Bill precluded my attendance at the commencement of this debate. I have not had the benefit of hearing the explanation given for not insisting on the amendment.

The Hon. R. H. C. STUBBS: The Crown Law opinion on this matter was that in view of the fact that common law is not defined but is argued from the cases, time could be wasted in the court by arguing as to whether a particular noise was a nuisance at common law or not. That was the purpose of the definition. The implication of noise within the meaning of this Act is noise which would constitute a nuisance at law. The difference is that it does not have to be decided at common law. As we are trying to make something out of this legislation I would like the Committee not to insist on its amendment.

The Hon. A. F. GRIFFITH: I am grateful to the Chief Secretary for his explanation. I will not persist in the matter. The purpose of my amendment was to reduce the chances of frivolous or vexatious complaints and I would like the Chief Secretary, upon my agreement not to press the amendment, to have the matter looked at again in the light of experience.

The Hon. R. H. C. STUBBS: I think that is quite reasonable. I move—

That amendment No. 3 made by the Council be not insisted on.

Question put and passed; the Council's amendment not insisted on.

The CHAIRMAN: Amendment No. 10 made by the Council is as follows:—

No. 10

Clause 14, page 8, line 16—Delete the word "five" and substitute the word "eight".

The further amendment made by the Assembly is as follows:—

Delete the word "eight" in line three of the amendment and substitute the word "seven".

The Hon. R. H. C. STUBBS: I move—

That the further amendment made by the Assembly be agreed to.

I hope the Committee will agree to this amendment. It deals with the advisory committee.

The Hon. G. C. MacKINNON: To appreciate the purpose of this amendment members would have to examine it in conjunction with the Bill. The original Bill set out that the advisory committee would consist of one person from the Chamber of Manufactures, one person from local government, and one person from the T.L.C. The Legislative Assembly amended that provision so that the advisory committee would consist of the following:—

(a) five persons, in this Act re-referred to as the *ex officio* members of the Committee, appointed by the Governor on the recommendation of the Minister of whom—

(i) one shall be a person who is a legally qualified medical practitioner recognised as an expert in the field of occupational health, who shall be chairman of the Committee;

(ii) one shall be a person who is a legally qualified medical practitioner recognised as a consultant in relation to conditions of the ear, nose and throat;

(iii) one shall be a person who is recognised as an expert on matters relating to the design and construction of buildings and the problems of noise control in buildings;

(iv) one shall be a person who is recognised as an expert in the physics of sound; and

(v) one shall be a person who is recognised as an expert in relation to the effect of noise on the mental and social well-being of persons;

and

(b) two persons appointed by the Governor, of whom—

(i) one shall be a person with experience relevant to sound control, nominated in writing by the body known as The West Australian Chamber of Manufactures (Incorporated); and

(ii) one shall be a person with experience relevant to sound control, nominated in writing by the body known as The Chamber of Mines of Western Australia (Incorporated).

The local authority representative has been taken off and a representative of the Chamber of Mines has been put on. The representative of the T.L.C. has also been taken off. I think this is probably an improvement, and I do not mean by reason of the fact that the representative of the T.L.C. has been taken off but by reason of the fact that one of the members will be a representative of the Chamber of Mines, who is the sort of person who deals with noise in a technical way and should have an understanding of science and engineering to enable him to follow the general arguments of a technical committee. I think that is fair enough. The Assembly has also tidied up the clause by making a provision in the event that a body does not nominate a representative, in which case the Minister can appoint one. I am prepared to support the further amendment.

Question put and passed; the Assembly's further amendment to the amendment made by the Council agreed to.

The CHAIRMAN: Amendment No. 11 made by the Council is as follows:—

Clause 14, page 9—Add after line 4 new subparagraphs as follows—

(vi) one shall be a person so nominated by the body known as the Western Australian Chamber of Manufactures (Incorporated); and

(vii) one shall be a person so nominated by the body known as the Local Government Association of Western Australia Incorporated; and

(viii) one shall be a person so nominated by the body known as the Trades and Labor Council of Western Australia.

The further amendment made by the Assembly is as follows:—

Delete the whole of the amendment and insert in lieu thereof the following:—

Clause 14—Page 8, line 14—Delete subclause (2) and substitute the following subclause—

(2) The Advisory Committee consists of—

(a) five persons, in this Act referred to as the ex officio members of the Committee, appointed by the Governor on the recommendation of the Minister of whom—

(i) one shall be a person who is a legally qualified medical practitioner recognised as an expert in the field of occupational health, who shall be chairman of the Committee;

(ii) one shall be a person who is a legally qualified medical practitioner recognised as a consultant in relation to conditions of the ear, nose and throat;

(iii) one shall be a person who is recognised as an expert on matters relating to the design and construction of buildings and the problems of noise control in buildings;

(iv) one shall be a person who is recognised as an expert in the physics of sound; and

(v) one shall be a person who is recognised as an expert

in relation to the effect of noise on the mental and social well-being of persons;

and

(b) two persons appointed by the Governor, of whom—

(i) one shall be a person with experience relevant to sound control nominated in writing by the body known as The West Australian Chamber of Manufactures (Incorporated); and

(ii) one shall be a person with experience relevant to sound control, nominated in writing by the body known as The Chamber of Mines of Western Australia (Incorporated).

Clause 14, page 9, lines 12-17—Delete subclause (4) and substitute the following subclause—

(4) If a body referred to in paragraph (b) of subsection (2) of this section authorised to nominate a person for appointment to the Committee fails to do so within thirty days after the receipt by that body of a written request from the Minister so to do, the Minister may nominate a person for appointment as a member in default, and that person shall, subject to this Act, be appointed as if he had been duly nominated by the body first entitled to make the nomination.

The Hon. R. H. C. STUBBS: If this further amendment is accepted, the Commissioner of Public Health will not be on the committee. We do not think it is desirable that he should be on both the committee and the council. Therefore, the legally qualified medical practitioner will be the chairman of the committee. The other alterations are that the Local Government Association and the Trades and Labor Council have been deleted and the Chamber of Mines has been included. There will be two representatives from the Chamber of Manufactures and the Chamber of Mines who are required to be persons with experience relevant to sound control, the idea being that they should contribute to the committee. In addition, the bodies which are invited to nominate representatives to the committee will be required to do so within 30 days. I move—

That the further amendment made by the Assembly be agreed to.

Question put and passed; the Assembly's further amendment to the amendment made by the Council agreed to.

The CHAIRMAN: Amendment No. 32 made by the Council is as follows:—

New Clause—Insert a new clause to stand as clause 11 as follows—

Noise and Vibration Control Council.

11. (1) There is hereby established, for the purposes of this Act, a body by the name of the Noise and Vibration Control Council.

(2) The Council consists of—

(a) the Commissioner of Public Health; and

(b) seven persons, in this Act referred to as the *ex officio* members of the Council, appointed by the Governor of whom—

(i) one shall be an officer of the department known as the Department of Development and Decentralisation nominated in writing by the Minister administering that department;

(ii) one shall be an officer of the department known as the Local Government Department so nominated by the Minister administering that department;

(iii) one shall be an officer of the department known as the Department of Labour employed in the Factories Branch of that department so nominated by the Minister administering that department;

(iv) two shall be persons so nominated by the body known as The Western Australian Chamber of Manufactures (Incorporated);

(v) one shall be a person so nominated by the body known as the Trades and Labor Council of Western Australia; and

(vi) one shall be a person so nominated by the body known as the Western Australian Employers' Federation (Incorporated).

(3) If a Minister or a body referred to in subsection (2) of this section authorised to nominate an officer or person for appointment to the Council fails to do so within thirty days after the receipt by him of a written request from the Minister so to do, the Minister may nominate for appointment as member an officer or person having a like qualification to the officer or person who should have been nominated by the Minister or body in default, and the officer or person shall, subject to this Act, be appointed as if he had been duly nominated by the Minister or body first entitled to make the nomination.

(4) A person, other than the Chairman, is not eligible to hold at the same time, both the office of member of the Council and member of the Committee.

The further amendment made by the Assembly is as follows:—

Delete subclause (2) of proposed new clause 11 and substitute the following:—

(2) The Council consists of—

(a) the Commissioner of Public Health;

(b) the person who is for the time being the Chairman of the Committee; and

(c) nine persons, in this Act referred to as the *ex-officio* members of the Council, appointed by the Governor of whom—

(i) one shall be an officer of the department known as the Department of Development and Decentralisation nominated in writing by the Minister administering that department;

(ii) one shall be an officer of the department known as the Local Government Department so nominated by the Minister administering that department;

(iii) one shall be an officer of the department known as the Department of Labour employed in the Factories Branch of that department so nominated by the Minister administering that department;

(iv) one shall be an officer of the department known as the Department of Environmental Protection so nominated by the Minister administering that department;

(v) one shall be an officer of the department known as the Department of Mines so nominated by the Minister administering that department;

(vi) one shall be a member of the Police Force so nominated by the Minister administering the Police Act, 1892;

(vii) one shall be a person so nominated by the body known as The West Australian Chamber of Manufactures (Incorporated);

(viii) one shall be a person so nominated by the body known as the Trades and Labor Council of Western Australia; and

(ix) one shall be a person so nominated by the body known as the Western Australian Employers' Federation (Incorporated).

The Hon. R. H. C. STUBBS: In this amendment we have added the chairman of the advisory committee, who is essential to provide liaison. We have also added a representative of the Environmental Protection Authority, which is considered necessary because many complaints are received regarding noise pollution. The Australian Environmental Council of State and Federal Ministers is vitally concerned about this problem. We have also added a member of the Police Force because this will be the subject of a set of police regulations on noise which is at present being worked out at a Commonwealth level to apply to all States. It is necessary to have close co-operation on the details of the noise levels which are acceptable. We have reduced the number of representatives of the Chamber of Manufactures from two to one and we

have added a representative of the Chamber of Mines to maintain the balance. Again, the Opposition in another place agreed to this amendment. I move—

That the further amendment made by the Assembly be agreed to.

The Hon. G. C. MacKINNON: I will not oppose this amendment but I have a slight worry that we have gradually whittled down the lay people whom we discussed. It would be difficult to argue against a representative of the E.P.A. because we have agreed that noise is a very important part of the environment. It is also difficult to argue about the inclusion of a member of the Police Force because of the noise of vehicles, to which the police in the metropolitan area and one or two country towns contribute. I hope the Minister's colleague will not use this as another lever for saying we should have police control of traffic in Western Australia. We can amend this if it is taken over by statutory control. I am not putting it in as a red herring. I am saying in time it might not be a police officer but a policing officer. In the main, the amendment tidies up some points which we find it difficult to do because of our lack of facilities. I support the amendment. If it does not work out we can always amend it in due course.

Question put and passed; the Assembly's further amendment to the amendment made by the Council agreed to.

Report

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [8.58 p.m]: I move—

That the report of the Committee be adopted.

THE HON. G. C. MacKINNON (Lower West) [8.59 p.m.]: Before the report is adopted, I would like to take this opportunity to congratulate Mr. Stubbs on achieving an ambition which he has held ever since he entered this House. He has made it clear that he has always desired to do something about noise. Indeed, one of the noises he did something about was that from fireworks. This Bill is the culmination of his ambition.

There are one or two things I would have preferred to see, such as the adoption of standards throughout Australia. Nevertheless Mr. Stubbs must be feeling very pleased at achieving what he set out to do, and I congratulate him on it.

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [9.00 p.m.]: I thank Mr. MacKinnon very much for his remarks. I do feel pleased about this. I would like to thank the Committee of this House because had I not received its co-operation we would not now have the Bill.

Question put and passed.

Report thus adopted and a message accordingly returned to the Assembly.

IRON ORE (McCAMEY'S MONSTER) AGREEMENT AUTHORIZATION BILL

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clause 1: Short title—

The Hon. W. F. WILLESEE: At the conclusion of the second reading debate I promised the Leader of the Opposition I would endeavour to obtain a list of temporary reserves to which he referred. I now have that information.

The total area of the four temporary reserves listed in the definition of "mining areas" comprises 95 square miles. The following temporary reserves make up that area:—

	Square Miles
TR 4194H	24
TR 4326H	35
TR 5004H	6
TR 5006H	30
Total	95

The Premier, on the 15th May, 1972, in Press Release No. P72/156 advised the proposed allocation of 11 temporary reserves to the joint venturers. These reserves were granted on the 11th August, 1972 and are outside the agreement. They comprise the following:—

	Square Miles
TR 5203	35
TR 5204	40
TR 5205	15
TR 5206	43.2
TR 5207	48
TR 5208	48
TR 5209	36
TR 5248	20
TR 5599	14
TR 5600	38
TR 5601	6.6
Total	343.8

The amount referred to in clause 11 of the agreement will ultimately be made available to the joint venturers from those two total areas, but only if they are proved to the satisfaction of the Government.

Despite repeated requests from the joint venturers during the negotiation of the agreement, they were advised that the additional temporary reserves they hold will not at this stage be included in the agreement. When the joint venturers have fully investigated the other areas they will

be free to put proposals to the Government for the incorporation of those areas in the agreement. There is no obligation on the Government to do so, nor has any assurance of any sort been given that any temporary reserve will be included at a later stage.

The Hon. A. F. GRIFFITH: I thank the Leader of the House for his explanation. He was kind enough to enable me to see the officers concerned and to look at the plan which delineates the temporary reserves.

The four temporary reserves amount to 95 square miles. If the Leader of the House had been better informed by his colleagues in another place he would have been able to tell us the area of the temporary reserves prior to this. Admittedly, I did not ask for it in my speech, but had I been told they totalled 95 square miles I would have been inclined to ask how the joint venturers would obtain a 300-square mile mineral area out of 95 square miles.

The Committee has received an assurance that the joint venturers have been told they can have no understanding in respect of the 11 additional temporary reserves; nor do I think they should because, as the Leader of the House said, those reserves were announced on the 15th May and granted on the 11th August. Sir John Massie-Green, the Chairman of Consolidated Gold Fields Australia Limited, was quite right when he said in his address to shareholders that further temporary reserve areas had been given to the company, and it was in the process of exploring them.

Having said that, I feel satisfied that what the Government intends to do is the proper thing for it to do; that is, it will not give the company an understanding regarding the additional areas and will ensure that the company fully explores them before it receives any assurance.

I know nothing of the potential of the area, but let us assume that the joint venturers discovered another Tom Price or Mt. Newman within the 438 square miles. I suggest the Government would want to be in the best possible position to drive a hard bargain with the joint venturers in the interests of the State. As the Committee knows, the definition of "mining areas" includes the words, "together with such additional areas as the Minister may from time to time approve."

In my opinion the safest possible course for the State to follow is to remove those words from the agreement so that it is abundantly clear to the joint venturers that they have no inherent right. After full and satisfactory exploration of the areas they may negotiate with the Government, and the Government may come to Parliament with a Bill to amend the agreement. Therefore, when we come to the schedule I propose to move to delete those words so that the State is in the best possible position. I would like the reaction of the Leader of the House to that proposition at the appropriate time.

Clause put and passed.

Clauses 2 and 3 put and passed.

Schedule—

The Hon. A. F. GRIFFITH: I move an amendment—

> Clause 1, page 8, lines 15 to 17 of the clause—Delete the words "together with such additional areas as the Minister may from time to time approve."

I do not think any further explanation is necessary. I await the reaction of the Leader of the House.

The Hon. W. F. WILLESEE: Possibly I misunderstood the Leader of the Opposition, for I now feel differently about this proposal. I thought the Leader of the Opposition was referring to clause 11 on page 21, but the amendment is to the definition. I took into account the wrong clause in the schedule. However, I cannot see any reason to oppose the amendment.

The Hon. A. F. GRIFFITH: I do not know why the Leader of the House referred to clause 11 of the agreement. I understand that by deleting the words from the definition of "mining areas" on page 8, the joint venturers will be left with the right to choose 300 square miles out of 95 square miles. Naturally they will take as much of the 95 miles as they can.

Clause 11 (1) of the schedule on page 21 deals with mineral leases and provides that the State will as soon as is practicable after the proposals have been approved grant the joint venturers a mineral lease. I want to be assured that we will achieve what is intended to be achieved. That being the case, the Minister should not have referred to clause 11 (1) of the agreement.

The Hon. W. F. WILLESEE: I am told this figure is the maximum, and not the minimum.

The Hon. A. F. Griffith: I did not know then that the four temporary reserves would only contain 95 square miles.

The Hon. W. F. WILLESEE: I can see the position. I want to make sure that this amendment is in line with what I previously thought the honourable member intended.

The Hon. A. F. GRIFFITH: Clause 11 (1) of the agreement should not prescribe that the total area shall not exceed 770 square kilometres, because it is not possible to get that area. If the clause is to correctly state the position it should prescribe the total area not exceeding that of the temporary reserves.

The Hon. W. F. WILLESEE: I am advised that no amendment is necessary. The maximum is set as a result of the total area involved, but there cannot be more than 95 square miles.

The Hon. A. F. GRIFFITH: Usually these agreements contain provisions relating to temporary reserves, and the area for exploration is always much greater than the area of intended maximum lease. In this case the position seems to be reversed, and the temporary reserves area is very much less than the maximum area mentioned in the agreement. I know that the company cannot get more than 95 square miles.

Amendment put and passed.

Schedule, as amended, put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and returned to the Assembly with an amendment.

LOAN BILL

Second Reading

Debate resumed from the 16th November.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [9.24 p.m.]: I do not intend to utilise a great deal of the time of the House in speaking to the Loan Bill, because there will be a couple of other opportunities to enable me to speak. However, I want to point out that the Government is fortunate in that it seems to have received a fabulous amount of money this year.

Each year the amount has been increased. I remember the Leader of the House saying tonight when speaking to another piece of legislation that the increased amount of loan moneys will not be sufficient. I will take the opportunity when speaking to other legislation to deal with some matters I wish to raise. I satisfy myself at that, and support the second reading.

THE HON. L. A. LOGAN (Upper West) [9.26 p.m.]: There are two matters I wish to raise in speaking to the debate on the Loan Bill. First I refer to the lack of incentive on the part of the Government in the support it has given to the request of the Geraldton people for the establishment of a second high school in that area.

Before the present high school was built in Geraldton the question was the subject of controversy. Going through my files the other day I came across letters that I had written back in 1957 and 1958 dealing with this subject. Ever since the present high school was built the accommodation has not been adequate. I understand that at no stage was there sufficient accommodation. It is time that some consideration was given to this matter.

The present site of the high school has been built out, and the anticipated increase in population is so great that it is most essential for a new high school to be commenced immediately. Perhaps I can best illustrate the position by quoting a report, to enable the Leader of the House to take this matter before Cabinet and point out the urgent need for something to be done. This report explains the situation, and I am sure members will appreciate the difficulties of the headmaster and the teachers of the Geraldton High School who are endeavouring to carry out their duties under adverse conditions. The report states—

> In the past 10 years the school's population had virtually doubled, from 693 in 1963 to 1284 at the start of this year.
>
> In order to house the number of students this year, measures taken included:—
>
> > Three demountable classrooms were erected in February.
> >
> > The technical drawing rooms are used for 23 periods of mathematics and social studies each week.
> >
> > "Sound" rooms measuring 18ft by 10ft were used for 28 periods.
> >
> > The 27ft by 12ft seminar science room was used for 20 periods as an ordinary classroom for miscellaneous subjects.
> >
> > Science classes are held in ordinary classrooms for 30 periods.
> >
> > Home economics classes are held in ordinary classrooms for 22 periods.
> >
> > The Library is used as an ordinary classroom.
> >
> > Fourth and fifth year French and German classes are forced into small "non rooms" for 23 periods and are unable to use the mini-language laboratory room.
> >
> > Fourth and fifth year physiology and hygiene classes are unable to use a science room.

Other points listed are—

> Two periods of fifth-year home economics are taken in a fitting room; two periods of fifth-year geology are taken in the tower storeroom; a music option class is forced out of the music room for two periods; there are no spare rooms at any time of the week and no sick bay.
>
> An even grimmer situation was indicated for 1973 . . . there will be 44 classes compared with 42 this year and fifth year classes will be large and will no longer fit into "non-rooms."
>
> . . . at least four more demountable classrooms would be needed and one will need to be used solely for science as there will be 59 periods outside the proper science rooms.

> . . . as yet tenders had not been called for construction of an extra home economics centre.
>
> The present school enrolment is 1284 and the estimate for next year is 1360 to 1380, rising to between 1360 and 1400 in 1974 and in excess of 1400 in 1975.

The present enrolments in the primary schools of Geraldton—and this is where the high school students come from—are reported as follows:—

> . . . the present enrolments in the primary schools of Geraldton indicated a first-year intake of over 400 in 1975. The existing senior high school, which was built for 190 students in 1939, would not be able to cater for the secondary students of 1975.
>
> The present site is almost built out and . . . additional ordinary classrooms did not solve the situation because the specialist facilities for science, home economics, manual arts and library would not be able to cope with such numbers.

I think that report paints a pretty fair picture of the situation at the Geraldton High School. I am not blaming any particular Government because those circumstances have been occurring for years. However, it is time the Government looked at the situation at Geraldton and came up with an answer. The only answer, of course, is to build a second high school.

The Hon. J. Dolan: That is on the drawing board at the moment.

The Hon. L. A. LOGAN: I am glad to hear that.

The Hon. J. Dolan: According to a reply to a question in another place yesterday a new high school will be ready at the beginning of 1975.

The Hon. L. A. LOGAN: The situation will be even worse by 1975. The report points out that Geraldton is in trouble now, in 1972.

The Hon. J. Dolan: Temporary measures are being taken, of course, for the commencement of next year.

The Hon. L. A. LOGAN: Another issue I desire to raise—and I am sorry that nobody in the Press gallery is taking any notice of what I am saying—deals with the Press and, in particular, *The West Australian* newspaper. On the 11th October, 1972, a letter appeared in the opinion column headed, "Upper-house frustration". I do not know who was responsible for the heading, but the article was written by Bruce Daglish of Woodlands. It reads as follows:—

> The State A.L.P.'s election platform included a pledge to introduce legislation to abolish the Legislative Council. It is honouring that pledge.
>
> The only reason why introduction of this Bill can be termed "political window-dressing" (your editorial October 6) is that blatant gerrymandering of the Legislative Council electorate prevents the A.L.P. from ever getting a majority in that house. No matter how sincere the A.L.P. may be in its reform programmes, it cannot achieve anything the Opposition parties decide to block.

I would like members particularly to note the charge of gerrymandering. To continue—

> This might be your idea of democracy, but it is certainly not mine. It is ludicrous that a party receiving a mandate from the people should be frustrated in this manner.
>
> I am not in favour of a unicameral Parliament but I certainly believe something should be done to give the A.L.P. an even chance in the Council —either a redistribution of electoral boundaries, or proportional representation as in the Senate.
>
> In South Australia, the former Premier, Mr. Steele Hall (Liberal), had the courage to rearrange electoral boundaries, even in the knowledge that because of it his party would be voted out of office at the next election.

In reply to that claim I would say that I do not know that the action taken could be termed "courageous". For the leader of a political party to commit political hara-kiri is gross stupidity, and not courageous. The letter continues—

> We do not seem to have such men of principle among the ranks of our Liberal and Country Party members in this State.

Realising that the letter was not factual I wrote to the editor of West Australian Newspapers Ltd., on the 13th October, 1972. My letter was as follows:—

> Dear Sir,
>
> Bruce Daglish ("West Australian" Thursday, October 12th) should get his facts straight before writing letters to the press. His statements are a distortion of the truth and, indeed, as the Electoral Commission, consisting of the Chief Justice, the Chief Electoral Officer and the Surveyor-General, have the sole say in the distribution of electoral boundaries, he is, in effect, accusing them of gerrymandering and being dishonest.
>
> When the legislation on which the present constitution of the Legislative Council was framed, there was not one dissentient voice from any party in either House against the measure.
>
> As every Legislative Council member represents a greater number of electors than an Assembly member and elected on the same franchise,

they cannot be accused of inflicting a minority point of view. On the contrary, it must be a majority.

Yours sincerely,

I signed my name to that letter.

The Hon. A. F. Griffith: Some memories are conveniently very short at times.

The Hon. L. A. LOGAN: The purpose of my letter was to endeavour to let the people know the truth. The only reply I received was a card, on the front of which was printed, "The West Australian". Inside the card appeared the following:—

The West Australian,
125 St. George's Terrace,
Perth, W.A.

The editor thanks you
for your letter but regrets that
he is unable to use it .

I wrote another letter to the editor of the West Australian Newspapers Ltd., as follows:—

Dear Sir,

It is evident from your refusal, and without a reason, to publish my letter of the 13th October, 1972, rebutting statements made by Bruce Daglish in the "West Australian" of October 12th, that you are not concerned with the truth either for yourself or the public.

The Hon. A. F. Griffith: Did you receive a reply to that?

The Hon. L. A. LOGAN: Not a word. The refusal by the editor of West Australian Newspapers Ltd. to publish a rebuttal of an untrue statement, in my opinion, is a travesty of justice, a travesty of democracy, and a travesty of the so-called freedom of the press.

I think it is time the Press woke up to itself and when untrue statements are pointed out it is the job of the Press to make the truth known to the public.

THE HON. CLIVE GRIFFITHS: (South-East Metropolitan) [9.39 p.m.]: There are several subjects to which I wish to address myself in the course of debating this particular Bill. Firstly, I would like to comment on the Honorary Royal Commission which inquired into the corridor plan for Perth.

As members will recall the Royal Commission was instigated as a result of a motion moved in September, 1971, by The Hon. F. R. White. He moved for the appointment of a Select Committee to investigate a plan for the development of Perth. Subsequently, the Select Committee was converted to an Honorary Royal Commission.

I want to indicate to members of this House my appreciation—as one of the members of the Royal Commission—of the tremendous amount of work and effort which Mr. Fred White personally put into the compilation of the report. Because of his initiative he was able to present to the people of Western Australia a comprehensive and enlightening report deserving of the highest commendation. I want to place on record that I believe he did a magnificient job and I was very pleased, indeed, to be one of those who worked with him.

I would like to also commend Mr. Roy Claughton for the enthusiasm he displayed whilst we were members of that commission. I shall always be grateful for the opportunity it gave me to learn of the tremendous planning involved in the future of the metropolitan region. As I have said, it was a delight to work with those two gentlemen.

I commend the report to members because it is most comprehensive and it contains some very worth-while recommendations. Whilst on the subject of the report of the Royal Commission I will take this opportunity to mention an item which appeared in this morning's *The West Australian*. The heading was, "Land Tax system attacked" and the article, in part, read as follows:—

> The State Government was warned yesterday that 1973 would bring an increasing shortage of housing land and higher land prices unless land tax reforms were introduced urgently.

I would like to read to members of this House some extracts from the report of the Royal Commission to which I have already referred. I will read from page 102, as follows:—

> 10.8 This Commission considers that implementation of the findings and recommendations of the McCarrey Committee (listed above), combined with a lowered economy, stabilized land prices. This was brought about by:—
>
> (1) The Government raising land tax charges on unimproved land, thus forcing speculators to release land for development.
>
> (2) A relaxation in the previously restrictive policies of rezoning rural land to urban, e.g., the Armadale corridor release, and upgrading of Urban Deferred lands.
>
> (3) The compulsion for developers and subdividers to provide capital for public utilities, thus providing more desirable building lots for homeseekers.
>
> (4) The introduction of incentives encouraging developers to provide fully serviced lots containing homes close to amenities such as shopping centres and recreation areas.
>
> 10.9 However, this Commission is convinced that these policies require urgent review. Emergency action was

taken, the critical problems were overcome and the crisis was resolved. Will the continuation of these policies provide maximum benefits to the community, or will new problems evolve?

We believe there is a danger that vital legislative processes may be bypassed, resulting in a few powerful investment and development companies acquiring control of future development land thereby creating monopolistic control and subsequent escalation of values.

Existing legislation makes it mandatory that any alteration to the 1963 Region Scheme, which in the opinion of the M.R.P.A. is a major alteration to that scheme—

I will stop there to indicate that the Royal Commission realised that the recommendations adopted from the McCarrey report did have the desirable effect at the time of dampening rising land prices. However, we believe—and the report indicates this—that perhaps they have served their purpose and that a review of the policies which were adopted in consequence of that report ought to be made. Certainly this article is suggesting that there should be some land tax reforms. I suggest that our report concurs with that contention.

The report goes on to make many other suggestions and recommendations in regard to land tax. It is not my purpose to go into them in any detail tonight. I simply want to take this opportunity to express my appreciation of the work put in by my colleagues, Mr. Fred White and Mr. Roy Claughton. The item in the newspaper this morning seemed to refer to some of the recommendations we have made.

I have mentioned that I wish to speak on several items and I suppose I should feel embarrassed at this stage of the session in suggesting that I will take some time to express my views. However, I want to make it perfectly clear that I make no apologies whatsoever for taking up any of the time of the House in making my remarks on the subjects which I intend to discuss. Quite frankly, I do not think it matters at all whether the session finishes tonight, tomorrow night, or next Pancake Tuesday. I believe it is a member's right to take the opportunity provided by various pieces of legislation to talk on subjects over which he is concerned. Consequently, I make no apologies whatsoever for discussing a few of these tonight.

I have received letters from local authorities expressing concern about the policy which has been adopted by the State Housing Commission in not providing crossovers over which people may drive their motorcars from the road onto the house property. This has been a bone of contention for a long time with local authorities, and, indeed, with tenants in State Housing Commission homes. The State Housing Commission has refused to accept any responsibility for the provision of these crossovers into the dwellings.

The commission contends that its finances are limited and, indeed, I agree with this statement. However the commission also maintains its finances are limited to providing only a house; that it should not be expected to provide anything else; and certainly not a crossover into a property. The State Housing Commission claims this is not an essential element in low-cost housing. I disagree with this statement. In this day and age a motorcar is virtually part and parcel of every individual's life. For this reason, the provision of crossovers into dwellings is an essential part of every household.

Local authorities endeavour to improve the standard of their districts which they like to see neat and tidy. The position at the moment is that one house has a crossover and another a heap of sand between the road and the house. Sometimes the individual in the house puts down planks or iron to prevent his car from being bogged. The local authorities are trying to clean up their districts and are prepared to pay half the cost of a crossover. I think all local authorities do this; those in the province I represent certainly do.

The Hon. S. J. Dellar: It is in the legislation.

The Hon. CLIVE GRIFFITHS: I had not realised this, but I know the local authorities pay half the cost. A person who purchases a house usually knows he will live in it for a long time. Such a person takes a pride in the fact that he owns a house and is normally prepared to pay the other half of the cost of the crossover. When a crossover is laid, the street verge is relatively tidy. In a State Housing Commission area often the houses are occupied by people who have not purchased the homes but who rent the premises as tenants. Many of them are not financially able to pay half the cost, but the main reason is that they are not prepared to pay because the house does not belong to them. They regard the house as a transitional home. Most of them are ambitious enough to want to own their own house and while they live in a rental home they save, either to buy a block of land on which to build or, alternatively, to purchase a house of their own. Naturally, they would not be particularly enthusiastic about meeting half the cost of a crossover for a dwelling in which they may not stay for very long.

I believe the commission ought to be prevailed upon to change its policy which is a long-standing one. I understand the commission reaffirmed in September this year that this is not an essential part of low-cost housing and, therefore, it would not meet the cost.

The commission did meet the cost of providing the crossovers in the Bentley project, but this was because it was a total project. I believe the local authority insisted that this be done before the commission was allowed to build the high-rise accommodation which, for years, I have said is a blot on our community. I will not go into that tonight. The commission made this provision at Bentley and I think it is equally just that it do so elsewhere.

I wish to bring this matter to the attention of the Minister so that the commission may have second thoughts on this question. It will cost only a small amount of money and the small increase in rent a tenant could be called upon to pay would in any event, certainly cover it.

The housing situation today is not as critical as it was some years ago and surely the State Housing Commission should be looking at ways to upgrade the accommodation it provides. I am not necessarily suggesting the commission should initially provide crossovers to old houses. For a start, it would be sufficient to implement this scheme in all new projects. The commission could, as I have said, perhaps embark on a plan whereby it would progressively lay the crossovers in the older houses—particularly rental homes.

Local authorities are concerned about this matter. For the sake of the aesthetics of the districts I think the commission ought to be concerned and be prepared to do something about it.

The Hon. N. McNeill: You are saying that the houses do not have an access way to the street.

The Hon. F. R. White: Often local authorities demand a contribution towards a crossover before they grant a permit. At least, some local authorities do this.

The Hon. CLIVE GRIFFITHS: Apparently the commission will not agree to this. local authorities have written to me and, doubtless, they have written to many other members of Parliament. I imagine Mr. Dolan would certainly have received such letters.

The Hon. J. Dolan: The commission does not provide carports and cannot see the sense in putting an entry in for no purpose.

The Hon. F. R. White: The people park in the street?

The Hon. J. Dolan: That is what they do, or else on the verge.

The Hon. CLIVE GRIFFITHS: Of course, the State Housing Commission maintains that a garage or carport is not an essential for low-cost housing and, consequently, it will not provide these facilities. I personally think it ought to provide them, but I am not pressing for this. The majority of people today own motorcars and they must be able to get their motorcar into their yard. In my opinion it is elementary that a crossover should be provided. However the commission emphatically maintains it is not its responsibility.

The Hon. N. McNeill: Do the houses have fences?

The Hon. CLIVE GRIFFITHS: I do not think fences are being erected these days. In fact, fences are being pulled down in my area. I receive complaints all the time from tenants who occupy State Housing Commission homes in my electorate. However, because the fences have become disreputable or need painting, the commission is now pulling them down.

The Hon. J. Dolan: Only the front fences.

The Hon. CLIVE GRIFFITHS: This is what Mr. McNeill means.

The Hon. N. McNeill: Yes.

The Hon. CLIVE GRIFFITHS: It is a generally accepted principle these days not to have front fences. However, a person must be able to drive from the road across the verge into his yard. This is the area which is no-man's-land and where crossovers should be provided.

Normally the owner of a house is prepared to pay half the cost, the local authority pays the other half, and the crossover is immediately installed. The problem only arises in the case of State Housing Commission rental homes.

I was looking through a file in the Parliamentary Library a day or two ago and I came across some interesting newspaper items. As I went through the file a story unfolded to me. I did not take all the newspaper cuttings, because it was not necessary. However the cuttings indicated clearly the lack of appreciation on the part of this Government in regard to the land-price situation. For some reason or other, the Government now seems to think that, by denying emphatically that land prices are rising, land prices will not rise. Alternatively, it seems to adopt the attitude that if it ignores the problem completely, the problem will disappear.

I recollect that in 1967 and 1968 the same members of the present Government were crucifying the previous Government for the so-called inadequacies of the previous Government to take action to curb land prices. Those same members gave all the solutions in the world, indicating how the Government could tackle this problem and what action should be taken. They knew all the answers to solving the problem of rising land prices.

Many people in Western Australia agreed that something should be done about the situation. In fact, many maintained that something had to be done. The previous Government did something about it and, indeed, curbed rising prices of land. Some people say the action was taken too late, but at least the previous Government

acknowledged the fact that a problem existed and that something had to be done to curb rising prices of land.

The Government implemented recommendations made by the McCarrey committee, and it solved the problem—land prices were stabilised.

I was going through this file of newspaper cuttings and I came across an article in *The West Australian* of the 17th July, 1971. It is headed, "Authorities blamed for land prices," and it says—

> The big demand made on developers by the State and local governments was the major cause of present land prices, the acting president of the Real Estate Institute of W.A., Mr. Roy Weston, said yesterday.

He went on to say—

> While developers waited for a whole range of approvals they were paying interest on their investment. The interest cost caused by the delays was probably more than $2 million a year in Perth.
>
> This added to the price of land and to the land tax, so that the authorities were making a profit on their delays.
>
> The price of land could be cut if it was possible for developers to get approval for their projects with a single approach to the authorities instead of having to make a series of individual approaches.

My colleagues on the Honorary Royal Commission will remember hearing this. Indeed, a recommendation was made by the Royal Commission that a developer should present his proposals to one department only. This would obviate the necessity to visit various Government departments and would cut down time and, therefore, costs.

The Hon. F. R. White: If I could just correct you, this was considered but was not incorporated in the recommendation.

The Hon. CLIVE GRIFFITHS: I am sorry. We certainly discussed it. On the same page is another article headed, "Tonkin not concerned," and it has this to say—

> The Premier, Mr. Tonkin, said yesterday that Perth land prices were satisfactory at present.
>
> The prices tended to be falling rather than increasing, he said.
>
> He believed that some control measures were desirable to ensure that land prices did not get out of hand.

This article is dated the 17th September, 1971, and I thought it was rather interesting. The next cutting in the file is dated the 2nd August, 1971. This is from *The West Australian* and it is headed, "Taylor: No fear of new land boom." It reads as follows:—

> The Minister for Housing, Mr. Taylor, has denied a claim that W.A. faces a renewal of the land price spiral up to 1968.
>
> Mr. Taylor said that there was plenty of serviced land available in the metropolitan area. The Government had established a watchdog committee to ensure that the demand for housing did not outstrip the supply.

Further on it says—

> If there was a rise in confidence and a return to economic buoyancy in the next few months, W.A. could expect a surge in block buying and home building.
>
> But by watching the situation the Government could anticipate a rise in demand and take steps to prevent a shortage of supply.

These were Mr. Taylor's comments on the 2nd August, 1971. Throughout that period the Government indicated there was absolutely no fear of a rise in the price of land in Perth, and more particularly pointed out that the Government had a watchdog committee to watch the situation very closely and take some action at the slightest tendency of a rise in the price of land.

On the 25th August, 1971, an article appeared in the Press headed, "Perth land prices drop most." This article is apparently the result of an investigation and it confirms my earlier comments that the previous Government acknowledged the problem existed in 1968 and took effective steps to ensure the price spiral was curtailed. The article goes on to state—

> Perth was the only Australian capital city which residential allotments had shown a significant drop in price in the past two years.

So from about 1969 until August, 1971, Perth was the only city in Australia which showed a significant drop, or any drop, in the price of land. If nothing else, this proves that the steps taken by the previous Government were effective.

The next article on the file is headed, "Land prices 'already on the move,' say agents," and it is dated the 22nd July, 1972—only 10 days after Mr. Tonkin said we had absolutely nothing to worry about. The article says—

> The expected upturn of Perth land prices is already gaining momentum, according to realtors.
>
> A survey among men closely connected with big land and housing deals around Perth revealed the unanimous opinion that land was not going to be back near its present price level again for a long time, if ever.

It goes on to indicate that Mr. Ludemann had made some comments. It says—

> Said Mr. Ludemann: "I would advise young couples to buy land today because they won't be able to afford to buy it for a home tomorrow."

These people were saying that the price of land was starting to rise. The next article on the file is dated the 18th September, 1972. It is headed, "50 $10,000 blocks sold in 45 min." and it reads—

> Fifty housing lots were sold in 45 minutes of spirited bidding at an auction at North Beach on Saturday.

This is exactly one year after Mr. Tonkin's first statement which I read to the House. However, on the 21st September, 1972, three days after the article about the 50 blocks sold in 45 minutes, an article appeared in the *Daily News* as follows:—

> TONKIN REJECTS FEARS OF LAND-PRICE BOOM
>
> The Premier, Mr. Tonkin, said in Parliament last night that, despite prices paid for quality land at Karrinyup last Saturday, it was "misleading and unrealistic" to suggest that a land-price boom had started.
>
> "I deplore statements which would seem to have no other purpose than to try to trigger off panic-buying when there is an obvious supply of reasonably-priced serviced residential blocks available," he said.
>
> (Karrinyup bidding brought an average price of $10,300 compared with $7,170 at a similar auction last year.)
>
> Mr. Tonkin said he agreed that prices paid on Saturday for land auctioned by the Rural and Industries Bank were about 43 per cent. higher than at a similar auction last year.

No significant rise; nothing to worry about except a 43 per cent. increase in the last year! The next article is dated the 13th September, 1972. It is headed, "Land values soar at Daglish," and it reads—

> Land prices in Daglish took a dramatic jump today when 21 blocks in the suburb were auctioned at an average price of $13,400.
>
> Highest price paid was $16,400 for a duplex site in Stevens-st.
>
> Asked to comment on today's Daglish sale, the Premier Mr. Tonkin said he would find out about the sale "in due course." Until then he would not comment.
>
> Earlier this week, Mr. Tonkin told Parliament that it was "misleading and unrealistic" to suggest that a land boom had started.

The next article is in *The West Australian* of the 25th September. It is headed, "R & I head surprised at prices," and it reads as follows:—

> The chairman of the R and I Bank commissioners, Mr. G. H. Chessell, said yesterday that he was surprised at the high prices paid at a land auction on Saturday.
>
> The blocks, at Daglish, were fairly unattractive.
>
> "I don't know what would justify an average price of $13,400 in that area," he said.
>
> Mr. Chessell said he hoped that this was not the start of another land price boom because the bank had a sale at Hamersley next month that would appeal to the average buyer.

Mr. Tonkin still could not understand that it was happening—he said the information was unrealistic and misleading. The next article appears in the *Sunday Independent* of the 24th September. It reads—

> Land expert's gloomy warning:
> Hamersley blocks could bring $8000
> An expert in land evaluation last night predicted that land prices at next month's crucial Rural and Industries Bank sale at Hamersley would rise by at least 74 per cent. as a result of an auction at Daglish yesterday, at which buyers paid up to $16,400 a block.

So there was a warning that land prices could rise at the Hamersley sale to be conducted by the R. & I. Bank. I cannot read the date on the next article, but it is late September, 1972. Under the heading, "Premier lays the blame," the article reads—

> Some land developers were adopting scare tactics in advertisements for residential land in the metropolitan area, the Premier, Mr. Tonkin, claimed today.
>
> He said some advertising was calculated to persuade people into paying unrealistic prices for land.

He went on to say—

> Price levels of the R and I land at East Hamersley had been well established for more than three years and people thinking of buying in the area should note the stability that the prices reflected.
>
> "It was commonsense that a land price boom did not arise overnight unless it was deliberately triggered off," he said.

So now he was beginning to think there may be a land-price rise. He immediately discovered the cause and blamed advertisements which were directed at enticing people to pay more for land than they had to. It must be pretty powerful advertising to make people go along and pay more for a block of land than is necessary.

However, the Premier was now beginning to think at least some rise in the price of land was occurring. In *The Sunday Times* of the 31st October, 1972, this article appeared—

> There ARE 40,000 building blocks available in the metropolitan area. The Premier, Mr. Tonkin, said this yesterday.

And he added that the State Government was hoping to open up still more residential land south of the river.

"The figure is contained in statistics compiled by the Town Planning Department," Mr. Tonkin said.

And on the 1st October, in another article, the following appears—

The W.A. branch of the Estate Agents' Association of Australia has challenged the Premier, Mr. Tonkin, to reveal the whereabouts of 40,000 reasonably priced metropolitan building blocks.

He suggested this was an unrealistic figure and certainly did not give the correct picture.

On the 11th October, 1972, the following appeared in *The West Australian* leading article—

The news that there are 33,600 blocks ready to be built on in the metropolitan region is reassuring, though the figure falls short of the 40,000 plucked from the air by the Premier, Mr. Tonkin.

What is not so reassuring—particularly to young couples wanting to build their first home—is that most of the blocks are a long way from the city. Inevitably, home-builders must move out, but idle urban land closer to the city should be used first. As the Minister for Town Planning, Mr. Davies, suggests, more land at West Hamersley should be made available to the R. and I. Bank as soon as possible.

There is also cause for concern in the small number of blocks reaching the market after approval by the Town Planning Board. Though the current demand for blocks is said to be 10,000 a year, only 5,300 approved blocks went on sale during the 12 months to September 30. Mr. Davies suggests that some subdividers are regulating the flow of blocks because of difficulty in meeting holding charges, development costs and land tax.

If this is so, tax schedules designed to curb speculation in the late 1960s should be reviewed immediately. Subdividers should be encouraged to make more land available to give buyers a wider choice of blocks. This, in turn, would help to curb prices.

That leading article pointed out that here was one way to solve the problem.

On the 17th October another article appeared in the *Daily News* as follows:—

Not enough approved
land on market: Davies

A closer look at Perth's housing land system had revealed a weakness, the Minister for Town Planning, Mr. Davies, said today.

There was evidence that not enough approvals for land subdivision were being taken through to the market stage, Mr. Davies said.

Mr. Davies has said that he discovered there is not enough land on the market and that this was causing some of the problems. He said that this weakness had revealed itself. It was obvious to the majority of the people that it had revealed itself, but apparently it had only just been revealed to the Government. On the 14th October the leading article in *The West Australian* contained the following:—

Land mix-up

There is an urgent need for more, detailed information on the number of vacant home sites for sale in the metropolitan area.

The article then went on to indicate that Mr. Tonkin in the previous month had mentioned that 40,000 blocks were available, but that such figure was not realistic, because the Minister for Town Planning, Mr. Davies, had subsequently made it clear that the amended figure of 33,600 included blocks that had already been purchased by people who intended to build on them, and therefore those blocks were not available for sale. Nowhere were there any statistics available, and at no stage could the Government provide an answer as to what amount of land was available; and how many serviced blocks of land were available for sale in the metropolitan area. Even now we do not have an answer to that.

On the 22nd October, the following article appeared in *The Sunday Times*:—

New Records
in prices at
Land Auction

A record high price, $6,300, and a record average, $5,244, were paid at the R. and I. Bank's East Hamersley land auction yesterday.

"In view of the very large quantity of land available in both the Hamersley and Karrinyup areas, the bank had hoped prices would be lower than was the case," said Mr. G. H. Chessell, the Chairman of Commissioners.

"The land sold was of good quality and when one bears in mind the consumer price index—the general measure of inflation—has shown a cumulative of 18.4 per cent. over the past four years the increase of 10.4 per cent. in the average price since December, 1968 is not unreasonable."

The auctioneer was Mr. Don Roger of L. J. Hooker Pty. Ltd.

So in one breath Mr. Chessell has said that he could not understand the increases in the price of land; that this came as a complete surprise to him. However, in the next breath he says that in view of the cumulative inflationary trend and a rise in the consumer price index over the past four

years the price of land was not unreasonable. And so the story continues. On the 30th October, 1972, Mr. Tonkin is reported in the *Daily News* as having said—

> Tonkin: Those prices not Significant
>
> The Premier, Mr. Tonkin, said today he saw no significance in the higher prices paid for land at Karrinyup last Saturday.
>
> At an auction sale at Karrinyup on Saturday, blocks were sold at an average price of $11,348—an increase of nearly $1,000 over the average price at an R & I Bank land auction in the same area six weeks ago.
>
> "Inquiries I have made show it is land of the highest possible quality, and it is expected people who are not short of money would be prepared to pay the market price, and to pay what would ordinarily be steep increases," Mr. Tonkin said.

Accordingly there is no significance in this. On the 17th November, 1972, with large headlines the following appeared in *The West Australian*:—

> Govt. plan to prevent land spiral
>
> The State Government yesterday adopted a seven-point plan designed to prevent another land boom in Perth.
>
> The Premier, Mr. Tonkin, said after a Cabinet meeting that the plan was designed to forestall undue increases in the price of residential land in the metropolitan region.

On the 19th November, 1972, this article appeared—

> Land title costs will rise soon
>
> Increased fees for land title transactions will come into effect on November 1. They are expected to bring the Government an extra $430,000 in the rest of this financial year.

On the one hand the Government has not the slightest idea as to why the price of land is rising, and yet on the other it is busily increasing the cost of land with increases in charges, and therefore the only course the price of land can follow is to go up. The final newspaper article I wish to quote appeared in the *Weekend News* of Saturday, the 18th November, 1972, and contains the following:—

> $17,500 Peak—City Beach land rises
>
> Land prices rose to new peaks at the City Beach auction today.
>
> A record $17,500 was paid for a block in Kinkuna way.

To me those newspaper articles tell a story. In the course of 12 months the story started with the Premier energetically or enthusiastically denying there was any cause for concern about rising land prices. He announced that the Government had appointed a watchdog committee that would closely watch the situation to ensure there was no possibility of its getting out of hand. However, what do we find? We have a story of sale after sale being conducted with prices jumping as much as 43 per cent. and finally, they rise to such an extent, that at the latest sale of land, a block is sold for $17,500 at City Beach.

I return to what I started by saying; that this displays a complete lack of appreciation by the Government. The Government either did not appreciate that there was a problem, or, if it did know, it certainly did not know what to do about it. There is no doubt that the problem is slipping away from under the noses of the members of the watchdog committee, because apparently they did not know that the situation was getting out of hand.

We have been told that a seven-point plan has been made, but goodness knows what we will pay for blocks of land by the time the Government gets around to implementing that plan. It seems to me that when a stage is reached where people have to pay $17,500 for a block of land, it is certainly a sorry state of affairs. For $17,500 I would want a block next door to the Town Hall.

The Hon. J. Dolan: You could have bought one down at Peppermint Grove the other day for about $117,000.

The Hon. CLIVE GRIFFITHS: The Government does not seem to be able to appreciate the position. If it does it is certainly not doing anything about it. It criticised the previous Government at every stage after suggesting how it would prevent the land price spiral. The previous Government did do something about the situation and subsequently it was proved conclusively that the action it took was effective, because Perth was the only capital city in the Commonwealth that showed a decrease in land prices.

Yet we have to sit back and allow the Government and the Premier to say, "There is nothing to be concerned about; I do not believe that land prices are rising, and if they are it is as a result of some unscrupulous person publishing advertisements in the Press that are so effective that they are enticing people to pay more for land than what it is worth." What a lot of nonsense that is!

Just in case the Government is interested in finding some land it can purchase at a relatively cheap price, I would point out that I have received some correspondence from individuals in my province who are members of what is known as the North-West Central Districts Residents and Ratepayers' Association. That association wrote me a lengthy letter and enclosed a copy of a letter it had sent to the Premier. I will not read the letters, but I will briefly indicate to the members of this House the contents of the letter the association sent to the Premier. I point out that if the Government decides to take any action

in regard to the association's proposals, in the East Cannington area there is currently, within six miles of the G.P.O., land that could be subdivided into something like 5,000 building sites. That is half a year's supply of land for the needs of those people seeking blocks in the metropolitan region.

I mentioned earlier that 10,000 blocks a year are needed to meet the needs of those residing in the Perth metropolitan region. Here we have an area where there is enough land to provide at least 5,000 homesites. The improvements and facilities already in existence are streets, electricity, water, schools, buses, shopping centres, and in fact all the facilities that are necessary for people to live happily and comfortably.

The Hon. L. A. Logan: What about drainage?

The Hon. CLIVE GRIFFITHS: I was just about to mention that. Sewerage and drainage are lacking. All facilities are available except sewerage and drainage. So if the Government is genuinely interested in doing something about arresting the land price spiral to ensure that cheap blocks of land will be made available to the people in the metropolitan area, I say again that here are blocks of land within six miles of the G.P.O. and in close proximity to the industrial area of Kewdale. These are blocks that people would be only too anxious to purchase with a view to building houses on them, but advantage cannot be taken of them because there is no sewerage or drainage.

I am asking the Government to alter its attitude towards the representations made to it by this particular organisation. The Government should have another look at the proposals to see what can be done to bring forward this programme. I understand it is planned for 1976-77 and something should be done to bring the programme forward.

I understand that the sewerage and drainage extensions will cost something like $750,000. The methods which this Government have used to extract money from the taxpayers could be used to raise that $750,000 without much trouble at all. Money is also received from the Commonwealth for unemployment payments in country areas.

The Hon. L. A. Logan: A lot of it has been directed to the metropolitan area, too.

The Hon. CLIVE GRIFFITHS: Of course, some of the money has gone to local authorities. The blocks of land to which I have referred would cost about $3,000.

The Hon. A. F. Griffith: The Government might even issue a guarantee.

The Hon. CLIVE GRIFFITHS: That is all it needs to do; that is right. Here is an opportunity for the Government to demonstrate it is genuinely concerned. It can demonstrate to the people that it appreciates that land prices are skyrocketing.

The Hon. L. A. Logan: The Government could have used the money which was spent at Yundurup Canals.

The Hon. CLIVE GRIFFITHS: I do not know whether or not the Government spent any money there.

The PRESIDENT: Order!

The Hon. CLIVE GRIFFITHS: I think the Government would be able to demonstrate to the people of Western Australia that it appreciates the fact that there is a land price spiral. Also, and more importantly, it could demonstrate to the people of Western Australia that it is genuinely interested in doing something about the problem. I ask the Government to look into the proposal which has been put forward to see whether the programme can be advanced. I understand there is a plan for the installation of a sewerage scheme.

The Hon. L. D. Elliott: That is not the only area waiting for a sewerage scheme.

The Hon. CLIVE GRIFFITHS: I do know there are 5,000 blocks of land within six miles of the Perth G.P.O. which are waiting for this facility. I think the Government could demonstrate its concern by doing something about the position which exists.

There is one other item I want to mention, and I will not be put off. I asked a question of the Leader of the House, yesterday, concerning official visits by Government Ministers. The first part of my question was as follows:—

> (1) As previous Governments adopted the policy whereby prior to visiting a district or an electorate for the purpose of performing some official duty, Ministers notified the local Members of the Legislative Council and the Legislative Assembly of their intention, has the present Government continued this practice?

The reply I received was as follows:—

> (1) On occasions, when time has permitted, efforts have been made to maintain this procedure. However, a substantial number of Ministerial visits take place at short notice. In these circumstances, adequate notice as to such visits is not always possible.
> In general terms, I am in agreement with the policy as outlined.

The reply to my question indicated that because the majority of the visits to my electorate took place at short notice—which apparently they did not under the previous Government—I was not informed.

The Hon. G. C. MacKinnon: I could quote five examples where I have read about ministerial visits in the Bunbury newspaper.

The Hon. CLIVE GRIFFITHS: I could also give some examples in that regard. The second part of my question was as follows:—

(2) Since this Government assumed office, would the Minister advise—
(a) the dates;
(b) the purpose; and
(c) the Ministers concerned;
who have officially visited the South East Metropolitan Province for the purpose stated above?

The reply I received was as follows:—

(2) This information will take a few days to compile, and it will be forwarded to the Hon. Member, when completed.

I am staggered at that reply. I am horrified to think that the number of visits made to my province has been so extensive that it will take some time to compile the information. I know of only half a dozen occasions when Ministers have visited my province.

The Hon. G. C. MacKinnon: They are a secretive crowd.

The Hon. CLIVE GRIFFITHS: I will be terribly interested to receive the compiled list.

The Hon. A. F. Griffith: The Government probably has secret Cabinet meetings out there.

The Hon. CLIVE GRIFFITHS: Ministers have visited my province on a number of occasions, and I exclude the Minister who represents the same area. However, the only Minister who has informed me of his forthcoming visit has been Mr. Stubbs. That was on the occasion when he opened a fire station in Maddington. I appreciated the fact that he wrote to me and I think it was the decent thing to do.

However, I sometimes read in the Press where Ministers have been to my area and opened new buildings and done various other things. My constituents ask me why I was not present and I have had to explain that the Ministers concerned did not let me know that they would be visiting the area.

The Hon. F. R. White: I will bet that the Labor Party members know when a Minister is visiting their areas.

The Hon. CLIVE GRIFFITHS: I bet they do, too.

The Hon. J. Dolan: I do not like the insinuation there.

The Hon. CLIVE GRIFFITHS: I think it is rude not to inform members of the various provinces and electorates when a Minister intends to visit. I think it is absolutely insulting to the people we represent and more care should be taken by Ministers to ensure that this kind of thing does not occur. It is so blatant that it borders on the deliberate. I think the Government should review its activities in this regard.

The Hon. F. R. White: One member for the West Province has never been advised, not even on one occasion.

The Hon. CLIVE GRIFFITHS: I take strong exception to the practice. I can remember a former member—as will many others in this Chamber—the late Mr. Fred Lavery, who was well respected in this House. He complained bitterly when a Minister of the Crown went into his electorate and did not make special reference to him by name. If the Minister were to use the term "parliamentary colleague" and expect that to include Mr. Lavery, he took strong exception to it. He was violently opposed to any Minister going into his electorate and not specifically mentioning his name. I think he was perfectly right and I think he was entitled to be mentioned.

I suggest that the Government should pull up its socks and advise members when Ministers of the Crown are to visit their areas. It certainly would be a courtesy to the member concerned, and a courtesy to the people whom he represents.

The Hon. N. McNeill: I would have been overwhelmed if that had happened at the opening of the Yundurup Canals; that is, overwhelmed in the mail.

The Hon. CLIVE GRIFFITHS: I believe my objection needs to be voiced.

The hour is getting late and as there will be another Bill on which I will be able to complete the second half of my speech I will conclude by saying I will support this Bill.

Debate adjourned, on motion by The Hon. G. W. Berry.

LOTTERIES (CONTROL) ACT AMENDMENT BILL

Assembly's Request for Conference

Message from the Assembly received and read requesting a conference on the amendments disagreed to by the Council, and notifying that at such conference the Assembly would be represented by three managers.

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [10.42 p.m.]: I move—

That the Assembly's request for a conference be agreed to; that the managers for the Council be The Hon. A. F. Griffith, The Hon. L. A. Logan, and the mover; and that the conference

be held in the Select Committee room at 10.45 a.m. on Friday, the 24th November.

Question put and passed and a message accordingly returned to the Assembly.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from the 14th November.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [10.44 p.m.]: At this late hour of the night I do not propose taking very much time in expressing myself to this Bill. The Bill has two main purposes.

Firstly, it provides for the appointment to the T.A.B. of an independent chairman. Secondly, it provides for unclaimed dividends to follow a different course from that now followed and, henceforth, with the passing of this legislation, that money will go into Consolidated Revenue.

I do not have anything to say regarding the second amendment. I imagine the Government is trying to collect every 10c piece it can to place into Consolidated Revenue. It is obvious that the Government needs the money and we have seen plenty of evidence of that need in other respects.

However, I pose a question as to the alteration of the size of the board from seven to eight members and the appointment of an independent chairman. I do so because we know the affairs of the T.A.B. are at present handled by a manager who is the chairman of the board. This Bill provides that an independent chairman will be appointed but the manager of the board will also be a member of the board.

I read the debate which took place in another place and I was very sorry to note the atmosphere which crept into that debate. I think the Minister will also be sorry.

The Hon. J. Dolan: I was not happy about it.

The Hon. A. F. GRIFFITH: The ex-manager who retired not long ago (Mr. Maher) was accused of telling an outright lie. I always found Mr. Maher to be a very forthright, capable, and energetic person, and I think he gave his services to the T.A.B. in a manner which could not but draw considerable praise from all those associated with him. I register a feeling of sorrow that it was apparently found necessary to introduce this atmosphere into that particular debate.

Having said that, I go on to say the present manager (Mr. Jarman) will obviously be relieved of his post as chairman. I assume he will take on the position of manager and become a member of the board.

The question I pose to the Minister for Police is: Will he give us some idea or undertaking as to the type of person who is likely to be the chairman of the T.A.B.? I think we are entitled to have some idea of the situation. The T.A.B. handles a vast amount of money and it is a very big income earner for the Government. If the chairmanship of the board is to become a separate entity under this legislation, I am of the opinion that the chairman should be a man who has the necessary acumen and experience in public administration and the conduct of a business, because the T.A.B. is a very large business indeed.

I glanced at the twelfth annual report for 1972 of the Totalisator Agency Board in Victoria. I observed that the Chairman of the T.A.B. in Victoria is a representative of the Victoria Racing Club. I do not necessarily suggest that the chairman of the board in Western Australia should be a member of the W.A. Turf Club or the Trotting Association, but I strongly suggest it should not be a political appointment. I suggest the man to be appointed should have the qualifications of a chartered accountant who is capable of handling, together with the board, the business affairs of a very large organisation in the best interests of the State.

When I first looked at the Bill I was inclined to attempt to tighten up the legislation a little and have it laid down that the chairman should have certain qualifications. If members glance at the principal Act to see the effect of the amending Bill, they will find the board will now consist of eight members, one of whom shall be the manager, and the Governor will appoint the other seven. Paragraph (a) of section 6 (1) of the Act reads—

> (a) a person appointed upon the nomination of the Minister, who shall be the chairman of the Board;

I ask whether the Minister can give me some assurance that the Government has in mind a person who is qualified. I sincerely suggest he should be qualified in public accounting, and if he also has racing experience, so much the better. But I think we should be given some assurance in this respect. If the Minister can give me an assurance, I will not, of course, make any other move in connection with the clause. Suffice it to say the Act, as it will be amended by the Bill, leaves the matter very open. It does not say in any way that the chairman shall have experience, and it gives no indication who he might be or what his qualifications should be. However, fortunately, the T.A.B. comes under the jurisdiction of the Minister for Police, who may be able to give us some worth-while and acceptable information on this point. I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [10.52 p.m.]: The Leader of the Opposition wished

me to indicate the type of person we have in mind as the chairman, in order to be assured that the appointee would fulfil what he considers to be the requirements—that is, a man who has business acumen and wide business experience—and would not be a political appointee. As the Minister, I will probably have to select a panel of men from whom the appointment will be made after reference to the Government. I can assure the Leader of the Opposition there will be no semblance of politics in my recommendation.

The Hon. A. F. Griffith: You have no-one in mind at the moment?

The Hon. J. DOLAN: I have a few people in mind but I would not like to disclose their names because I have not yet approached them. If I outline the situation in the other States where a T.A.B. operates, members will know the type of person I have in mind. I cannot give the names of the people I have in mind.

The Hon. A. F. Griffith: Mr. H. J. Nicholas?

The Hon. J. DOLAN: He is one of them. The original Chairman of the T.A.B. in Victoria was Sir Chester Manifold, who had wide racing experience. Only a couple of weeks ago a race called the Manifold Stakes was run in Victoria. He has pastoral interests and is an outstanding citizen, for which he has been knighted. He was succeeded by Mr. Nicholas, who also has wide business and racing experience.

The chairman in Victoria receives $4,000 per annum. It is not a full-time occupation but the chairman has to do work over and above that required of the board members. There are seven members in all and they receive $800 per annum. I suppose, as in other States, there would be about 12 meetings during the year.

In New South Wales the chairman of the board is a high-ranking Treasury official. I think he is the only chairman in the other States who has no racing experience and as far as I know he has no direct interest in racing through owning horses or running a stud. The chairman in New South Wales receives $4,000 per annum plus $23 for each half-day meeting. The members receive $425 per annum and $17.50 for each half-day meeting.

In Queensland the chairman is also the chairman of the committee of the Queensland Turf Club and he has considerable racing experience. He receives $6,000 per annum. Two members who are special members, receive $1,500 per annum, and the other six members receive $1,000 per annum.

In South Australia the chairman receives $4,800 per annum and the members $600. The chairman has wide racing interests. I understand he has a stud, races horses, and is a member of the racing club.

That information will give members an idea of the type of man we are looking for. I have already made inquiries in places where I suppose a Minister should inquire in order to find the type of man required for this job.

The Hon. A. F. Griffith: It is pretty obvious you are looking for an outsider.

The Hon. J. DOLAN: Does the Leader of the Opposition mean a man who has no direct racing experience?

The Hon. A. F. Griffith: No. I mean someone who is not a Government employee.

The Hon. J. DOLAN: There is a possibility of that. Just as in New South Wales the chairman is a high-ranking Treasury official, there may be someone attached to the Government in this State who has the necessary know-how and experience. The person I recommend will be one who I feel can do a satisfactory job for the State.

The Hon. A. F. Griffith: Mr. Jarman was the Chairman of the Public Service Board and he is the manager of the T.A.B.

The Hon. J. DOLAN: His position is equivalent in rank to an under-secretary. He took over from Mr. Maher the two jobs of general manager and chairman of the board. He was the only one in Australia who held the dual appointment. I indicated that it was a Government decision that the two jobs should be separated.

The Hon. A. F. Griffith: He was doing it very satisfactorily.

The Hon. J. DOLAN: I have no complaint whatsoever about my relationship with either Mr. Maher or Mr. Jarman. I have no complaint to make about their ability or anything else. My relations with the board have always been very cordial. I say, in all due modesty, that I think they have been happy that I, as the Minister, have supported them in every possible way.

The Hon. A. F. Griffith: I think I can be forgiven for saying I do not really see the necessity for the change.

The Hon. J. DOLAN: Mr. Arthur Griffith would know from his wide experience that when the Government makes a decision, that is a Government decision.

The Hon. A. F. Griffith: I have got the message.

The Hon. J. DOLAN: Without labouring the point, I think the appointment must be made early in December because that is when the division will occur, so we have not long to wait. I give the Leader of the Opposition an assurance that the men who will be appointed will have qualifications similar to those of the men who carry out the same job satisfactorily in other States. I hope they will be of the same standard as the two men who have occupied the position in this State. I thank him for his support of the Bill and commend it 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.

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Minister for Police), and passed.

CONTRACEPTIVES ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it did not insist on its amendments to which the Council had disagreed.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [11.03 p.m.]: I move—

> That the House at its rising adjourn until Friday, the 24th November, at 11.00 a.m.

The Hon. L. A. Logan: You have a conference at 10.45 a.m.

The Hon. W. F. WILLESEE: That is right. I am advised it will be cleared quickly.

Question put and passed.

House adjourned at 11.04 p.m.

Legislative Assembly

Thursday, the 23rd November, 1972

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

LEAVE OF ABSENCE

On motion by Mr. Harman, leave of absence for six weeks granted to Mr. May (Clontarf—Minister for Mines) on the ground of urgent public business.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Second Reading

Debate resumed from the 22nd November.

MR. HARMAN (Maylands) [11.03 a.m.]: A little over two years ago I had the opportunity provided to me by the Commonwealth Parliamentary Association to visit Sydney, Melbourne, and Adelaide. By coincidence I happened to witness in Sydnay a moratorium demonstration on a Friday afternoon. The demonstration started at 2.00 p.m. and was staged initially at Wynyard Park. A considerable number of people gradually came together and were addressed by a number of speakers. Not by coincidence but by planning, I feel, the march was organised to go from Wynyard Park into central Sydney along George Street at approximately 4.45 p.m. I was able to see a demonstration of some 20,000 people marching along George Street outside the Wynyard station at approximately 5.00 p.m. At this time I imagine a great number of people would be endeavouring to obtain transport to their homes in the various suburbs of Sydney. However, this is not the primary point I wish to make by illustrating this particular occasion.

One of the points I am making is that a number of people from various walks of life joined in the march. It is true the great majority of them were young but, among the marchers, were a considerable number of older people and ministers of religion; further, there were women of all ages. This, too, is a secondary point.

The real point I am making is that the demonstrators continually chanted, "We want peace; peace now."

Mr. Williams: Hitler said "I want peace" and pointed to a map of the world and said "That piece".

Mr. HARMAN: Some members on the opposite side of the House may not be interested in peace but I certainly am; in fact I am sure most members in this House are interested in peace.

Sir David Brand: Do you not think that we all are?

Mr. HARMAN: Of course, but I was worried about the attitude of the member for Bunbury.

Mr. Williams: Hitler said he wanted peace, but we know what he did to try to achieve his kind of "piece."

Mr. HARMAN: The history of the world shows that in every age man has been associated with war and peace. Due to tremendous changes which have occurred in our technology and a less authoritative approach to people on the part of various Governments, during the last 30 years the so-called permissive society has come into being. Now there seems to be developing the attitude that we ought to be thinking more about peace and less about war.

The mind boggles at the technological changes which have occurred in the last 30 years and it boggles more when we think that, in the year 2000, our whole way of life will be changed tremendously because of the rapid progress and developments which have occurred in recent years, and will continue to occur.