Supreme Court procedure. The jurisdiction covering this procedure is set out in section 3 of the Debtors Act, 1871.

The Minister, in his remarks, pointed out that after all these years, since 1871, the legality of this practice of transferring the judgment from the Supreme Court to the local court and then following up the procedure in that court is now in some doubt. This small Bill is aimed at placing the matter beyond question in a legal sense.

The Bill is well founded and its aim is a good one. I can also assure members that no extra hardship will be caused to anyone by the passing of the measure, and for those reasons I propose to support 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.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.29 p.m.]: I move—

That this House at its rising adjourn until Tuesday, the 24th August.

Question put and passed.

House adjourned at 5.30 p.m.

Legislative Assembly

Wednesday, the 18th August, 1965

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CONTENTS—*continued*

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

BILLS (3): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Supply Bill, £28,000,000.
2. Constitution Acts Amendment Bill.
3. Parliamentary Allowances Act Amendment Bill.

QUESTIONS (26): ON NOTICE

RAILWAY YARDS AT GERALDTON

Drainage

1. Mr. SEWELL asked the Minister for Railways:

   In view of the flooding that takes place during rainy weather in the Geraldton railway yards in the vicinity of the goods sheds and railway station, will he have the drainage of this area attended to?

   Mr. COURT replied:

   Improvement to drainage by the lowering of sumps and lifting rail tracks is being investigated by the district engineer. As a temporary measure metal dust has been spread in certain areas.

CRAYFISH

Pot Licenses

2. Mr. SEWELL asked the Minister representing the Minister for Fisheries:

   (1) Have any crayfish pot licenses been issued in this season to licensed crayfishermen who had not previously held such license?

   (2) Is it the intention of the Fisheries Department to issue any such license this season?

   Mr. ROSS HUTCHINSON replied:

   (1) Yes, on change of ownership of boats. In such cases the new owner must relicense the vessel and obtain a new craypot license.

   (2) Yes, to four vessels of the Nor'-West Whaling Co. Ltd., which hold an authority to engage in crayfishing but were not so engaged in 1964-65.

EGGS

Quota System: Introduction

3. Mr. SEWELL asked the Minister for Agriculture:

   (1) Is it the intention of the Government to introduce a quota system for the production of eggs for commercial purposes?

   (2) If so, will he guarantee that a poll of egg producers would be conducted on the proposed quota system before it is adopted?

   Mr. LEWIS (for Mr. Nalder) replied:

   (1) No. No consideration has been given to this matter.

   (2) See answer to (1).

PRIMARY SCHOOLS IN BAYSWATER ELECTORATE

Admission Boundaries

4. Mr. TOMS asked the Minister for Education:

   What are the respective boundaries set for admission of pupils to each of the undermentioned primary schools:—

   Bayswater;
   Ashfield;
   Hillcrest;
   Dianella;
   Embleton;
   Morley Park;
   Hampton Park?

   Mr. LEWIS replied:

   Bayswater: No boundaries.

   Ashfield: No boundaries.

   Hillcrest: Drake Street to north. Drummond Street to south. No boundary to south-east or north-west.

Dianella: Walter Road—Strand—Pitt Street—Grand Promenade and south-west to Golf Course. Homer Street—Browning Street—Wordsworth Avenue—Homer Street—Walter Road.

Embleton: Drake Street—Rudloc Road—Collier Road—Crimea Street—Walter Road—Beechboro Road—Maurice Street—Rothbury Road.

Morley Park: Strand—Walter Road—Drake Street—Rudloc Road—Collier Road—Crimea Street—north up Hutt Road.

Hampton Park: Hutt Road and north of Walter Road. No boundary to north or east.

NATIVES

Economic Survey: Dr. H. P. Schapper's Proposals

5. Mr. GRAYDEN asked the Minister for Native Welfare:

(1) Have there been any further developments in the move by Dr. H. P. Schapper to carry out an economic survey of aborigines in Western Australia?

(2) Is it a fact that—

(a) Dr. Schapper was a former deputy leader of a United Nations economic overseas mission;

(b) the Social Science Council of Australia (Aboriginal Project) was prepared to finance the survey;

(c) the survey was to be confined to finding out what aborigines needed for advancement?

(3) Was he correctly reported when it was stated that he said that "he would have agreed to the survey if the fact finding report had been submitted to his department first"?

(4) Would not the offer by Dr. Schapper contained in a letter to you which read as follows: "If we were to try to work together on this, I hope you, the Commissioner and I would have fairly frequent discussion, preferably during the write-up stage rather than after it", comply with the former stipulation by you?

(5) If not, why not?

(6) In view of the fact that a co-operative study by the university and the Government on a matter of this kind has so much to commend it and because a refusal to permit such a survey can so easily be interpreted as a desire to suppress facts in respect of aborigines, will he give further consideration to this matter with a view to formulating an acceptable basis on which the survey can be carried out?

Mr. LEWIS replied:

(1) No.

(2) (a) I have no information on this point.

(b) Yes. (At least in part).

(c) No.

(3) to (5) Because of the very personal and private nature of many of the questions which it was expected should be asked by officers of the Native Welfare Department in support of Dr. Schapper's proposed economic survey; because I was not satisfied as to the purpose of many of the questions; and because Dr. Schapper insisted that an economist could not refrain from adding his personal comments to any factual survey, I insisted that the result of such a survey be submitted to the department for subediting before publication. Dr. Schapper could not agree to this.

(6) From a perusal of the questions I am far from satisfied that the proposed survey would be of any benefit to natives. It could indeed justifiably arouse their antagonism by the intrusion into their private lives. Furthermore, the useful economic information is generally already well known to officers of my department who, let me emphasise, were expected to carry out the physical aspect of the survey. For these reasons I am not prepared to reconsider my decision.

Mr. Graham: I think the reasons are a bit wet.

AIR TRANSPORT

Subsidies Paid by State and Commonwealth

6. Mr. BICKERTON asked the Premier:

Will he supply the House with the full details concerning subsidies State and/or Commonwealth that are paid to M.M.A.?

Mr. BRAND replied:

The State Government does not pay any subsidy to assist the airline.

Particulars are not available in respect of any subsidy paid to the company by the Commonwealth Government.

RAILWAY FREIGHTS

Concessions North of 26th Parallel

7. Mr. NORTON asked the Minister for Railways:

(1) Is there a rail freight concession on goods for use north of the 26th parallel and a similar concession on the transport of wool to Perth and Fremantle from stations north of the 26th parallel?

(2) To whom is this concession available?

(3) What is the minimum quantity to be consigned to be eligible for the concession?

(4) Is it necessary that such minimum consignment be confined to one truck or can such minimum consignment be spread over two trucks if a truck of sufficient capacity is not available at the station of loading?

Mr. COURT replied:

(1) Yes. The concession applies to all commodities forwarded to or from points north of the 26th parallel.

(2) Transport agents under contractual conditions.

(3) Eight tons per four-wheeled wagon.

(4) The minimum consignment requirement is based on a weight minimum of eight tons in any four-wheeled wagon. All wagons supplied have a load capacity of over eight tons.

A carryover condition is incorporated in the contract that when more than one four-wheeled wagon is required for one consignment, the minimum for one wagon is reduced to five tons, all others being calculated at eight tons.

This carryover concession is restricted to one consignment daily.

SHARK BAY INLETS AND ESTUARIES

Lease Applications

8. Mr. NORTON asked the Minister for Lands:

(1) Has his department received any requests for leasing or acquiring any inlets or estuaries in or around Shark Bay other than Useless Loop?

(2) If so, who are the applicants and for what purpose are the leases requested?

(3) How far have negotiations proceeded?

Mr. CRAIG (for Mr. Bovell) replied:

(1) There is no record of any requests having been received by the Department of Lands and Surveys for leasing or acquiring any inlets or estuaries in or around Shark Bay other than Useless Loop.

(2) and (3) Answered by (1).

Fishing: Effect of Closure

9. Mr. NORTON asked the Minister representing the Minister for Fisheries:

(1) Are the inlets and estuaries in and around Shark Bay the breeding grounds for whiting and other commercial fish?

(2) Has he or his department considered what effect the closing of estuaries in Shark Bay will have on the fishing industry there?

(3) If the answer to (2) is "No", will he have an immediate investigation made as the survival of this town is dependent upon fishing in the area?

Mr. ROSS HUTCHINSON replied:

(1) By no means all species of fish occurring in Shark Bay breed in the inlets. Such inlets are, however, regarded as nursery grounds; i.e., they provide protection for young fish.

(2) It is assumed the honourable member refers to areas now cut off or proposed to be cut off, from the main body of Shark Bay by reason of the operations of the recently established salt works. It is certain that because of the shutting off of the areas concerned there must be a decline in the catch of fish there.

(3) The department has already commenced some inquiries, but will give serious consideration to making a full investigation if and when personnel and equipment become available.

JUDGES IN ENGLAND

New Rules: Adoption in Australia

10. Mr. EVANS asked the Minister representing the Minister for Justice:

(1) Re his reply to part (1) of question 20 on the notice paper of the Legislative Assembly for the 10th August, 1965, would he please indicate the name of the State therein mentioned?

(2) Has the Government considered giving effect to the new English judges rules by legislation?

(3) If not, will the matter receive such consideration?

Mr. COURT replied:

(1) South Australia.

(2) and (3) Not at present. No request for consideration has been received and no submission has been made to Cabinet on the matter.

NATIVES: HOUSING IN METROPOLITAN AREA

Homes Built

11. Mr. BRADY asked the Minister for Native Welfare:

(1) Of the 400 houses built for natives (see answer to question 19 of the 3rd August, 1965), how many have been built in—

(a) metropolitan area;

(b) Allawah Grove;

(c) Reserve in Alday Street, Welshpool?

(d) Reserve in Benara Road, Beechboro?

Reserves: Control

(2) Are the reserves at corner of Albany Highway and Alday Street, Welshpool and Benara Road still controlled by the Native Welfare Department?

Policy of Government

(3) Is it the policy of the Government that natives should not be encouraged to reside in the metropolitan area?

(4) How can natives from Allawah Grove qualify to get a normal home?

(5) Where will such homes be made available and who will own same and let them to natives from Allawah or country districts?

Mr. LEWIS replied:

(1) (a) One.
(b) to (d) Nil.

(2) Alday Street "No".
Benara Road "Yes".

(3) No.

(4) and (5) Natives are entitled to make use of whatever housing resources are available to the ordinary community. These include privately owned rental homes and the services of the State Housing Commission, which treats native applicants on the same basis as any other applicant.

PUBLIC TRANSPORT PASSENGERS

Insurance Coverage, and Claim of Mrs. Bell

12. Mr. BRADY asked the Minister representing the Minister for Justice:

(1) Is he aware of the accident to Mrs. M. Bell on her way to Subiaco on an M.T.T. bus on the 12th June, 1962?

(2) Is he aware Mrs. Bell was not able to prove negligence and failed to get damages?

(3) Does he consider Mrs. Bell, as a fare-paying passenger, has been fairly treated by the Government?

(4) Is he taking any steps to ensure other fare paying passengers are insured against similar accidents to that sustained by Mrs. Bell?

(5) If the answer to (4) is "Yes," when is legislation likely to come before the House?

Mr. COURT replied:

(1) Yes.

(2) Yes.

(3) Mrs. Bell apparently failed to prove negligence in the court in the case she took against the M.T.T.

(4) and (5) The whole subject of compensation for injuries through vehicle accident without proof of fault is to be considered next week at a legal convention in Sydney—the outcome will be considered carefully by the Government.

IRON ORE

Pelletising Process: Cost

13. Mr. GRAYDEN asked the Minister representing the Minister for Mines:

(1) When a processing plant suitable for pelletising iron ore is situated in a remote location such as Deepdale or Onslow, what would be a reasonable estimate of costs involved in the actual pelletising process, exclusive of mining, transport, and handling charges, for ore of the grade and type found at Deepdale?

Yampi Sound Deposits: F.O.B. Prices

(2) What is the estimated f.o.b. value of Yampi Sound iron ore of the grade and type found in the main ore body and the northern ore bodies on Koolan Island?

Mr. CRAIG replied:

(1) It is impracticable to give a reliable estimate at this stage of the actual per ton costs of pelletising ore as there are wide variations depending on the process finally employed and a number of other factors, such as the heavy capital costs of plant, and the cost, source, and nature of fuel used.

Varying estimates have been made and discussed with companies interested in pellet production, but it is not thought desirable to make these estimates public.

(2) No firm estimate of f.o.b. value can be given in respect of this ore as in the past it has been used for internal purposes within Australia. In view of the friable nature of the ore and the fact that it normally needs to be processed into pellets or sinter before it can be economically used in blast

furnaces, present indications are that its f.o.b. value as ore for export purposes would be less than the high grade haematites from deposits such as Hamersley Iron and Mt. Newman deposits.

ALBANY HARBOUR

Third Berth: Preliminary Work on Development

14. Mr. HALL asked the Minister for Works:

(1) Is it the intention of the Government to carry out further harbour development by the building of the third berth at Albany?

(2) If so, when is it anticipated that preliminary work such as dredging and reclamation will commence?

Mr. ROSS HUTCHINSON replied:

(1) The Government will provide additional berthage at Albany Harbour when port activity justifies such action.

(2) Field surveys and ground testing associated with an additional berth have been completed and the design of the berth is in hand. No physical work will be undertaken this financial year.

FORESHORE ROAD, ALBANY

Construction and Finance

15. Mr. HALL asked the Minister for Works:

(1) Has the Government made a firm decision as to the building of a foreshore road at Albany?

(2) If so, will finance be made available by the Government for such work, or in conjunction with the municipality and the Albany Harbour Board?

Festing Street: Consideration of Residents' Petition

(3) Did the Government give any consideration to the petition as lodged by myself on behalf of residents living in Festing Street, protesting against the use of Festing Street as the main arterial road serving the Albany Harbour?

Mr. ROSS HUTCHINSON replied:

(1) to (3) The whole matter of a foreshore road is tied in with aspects of harbour development. No firm decision has yet been made on the point made by the honourable member. However, I am awaiting receipt of information from the Albany Town Council so that further consideration can be given to the problem.

HOUSING FOR PENSIONERS

Albany: Provision of Single Units

16. Mr. HALL asked the Minister for Housing:

(1) As there is an ever-increasing demand for single pensioner accommodation in Albany, what plans has the Government in mind to ease the plight of single pensioners' accommodation, other than pensioner cottage schemes?

Metropolian Area: Number and Cost of Single Units

(2) How many single pensioner flats have been erected in the metropolitan area by the Government, in the years 1960 to 1965 inclusive?

(3) At what cost to the Government were single pensioners' cottages erected in the metropolitan area, in the years 1960 to 1965 inclusive?

Mr. O'NEIL replied:

(1) The commission holds five applications from single pensioners for accommodation at Albany. Owing to other State-wide demands for housing, the Government will be unable to undertake a single pensioners building programme at Albany; but if any charitable, church, or similar institution intends to undertake such a project, under the Commonwealth Aged Persons Homes Act, consideration will be given to an application for free architectural services.

(2) (a) Between 1960 and 1965, two flat projects were completed to accommodate 117 elderly single women pensioners;

(b) another project of 77 flats is under construction.

(3) (a) On cottages for elderly single pensioners—Nil.

(b) On flats for elderly single pensioners—£102,737 as the Government's contribution.

VETERINARIANS

Number in Private Practice

17. Mr. HALL asked the Minister for Agriculture:

(1) How many private veterinarians are in this State?

(2) How many private veterinarians are practising in the metropolitan area and how many in country towns?

Financial Assistance from Government for Retention of Services

(3) What financial assistance has been made available by the Government to country towns to enable them to retain the services of qualified veterinarians, and what are the names of the towns receiving assistance?

(4) Is finance made available to metropolitan shires and municipalities by the Government to assist in the retention of veterinarian services?

Mr. LEWIS (for Mr. Nalder) replied:

(1) 26.

(2) Metropolitan area—13.
Country towns—13.

(3) Government assistance on a pound for pound basis up to a maximum of £1,000 in any one year is available to local authorities or groups of local authorities to assist in the subsidisation of veterinary practitioner services. Katanning, Upper Blackwood, and Northam are the shires which have received assistance to date. Albany and Manjimup have obtained private practitioners as a result of the subsidy scheme, but Government assistance has not been sought in these two instances.

(4) No finance has been sought by metropolitan local authorities for this purpose nor is it considered likely that financial assistance would be necessary.

PENSIONERS

Travel Concessions on State Ships

18. Mr. RHATIGAN asked the Minister for the North-West:

(1) Do those in receipt of pensions and who reside in the south portion of the State receive any concessions to travel to and from the north on State ships?

(2) If not, will he give urgent consideration to granting concessions, particularly to those cases where a sea voyage is necessary for health reasons?

Mr. COURT replied:

(1) No.

(2) It is not considered practicable to grant the suggested concessions.

HIGH SCHOOL HOSTELS

Number Built, Location, and Applications

19. Mr. ROWBERRY asked the Minister for Education:

(1) What are the conditions under which senior high school hostels are built?

(2) How many such hostels have been built in the State?

(3) Where are these hostels situated and how many students are boarded at each?

(4) How many requests for provision of hostels are outstanding?

Boarders Required for Establishment

(5) What are the minimum numbers of each sex, or both, required before a hostel will be provided?

(6) Upon what basis were these numbers decided?

(7) Does the cost per student fluctuate in different districts?

(8) Is it economically possible for schools such as Manjimup High School to have a hostel provided for a lesser number than the number stated in the answer to (5)?

Manjimup: Obstacle to Establishment of a Hostel

(9) Is he aware that Manjimup High School cannct have a hostel because it does not have the numbers, and cannot get the numbers because it has not a hostel?

(10) How does the department propose to solve this question?

Mr. LEWIS replied:

(1) Under the Country High School Hostels Authority Act accommodation is provided in hostels for students enrolled in high schools who cannot be transported daily from home to school and back. The conditions are that there must be sufficient demand for such a hostel and that the necessary finance is available.

(2) Six new hostels have been built.

(3) Merredin (96 students);
Geraldton (48 students);
Katanning (62 students);
Narrogin (100 students);
Carnarvon (37 students);
Bunbury (85 students).

(4) Five.

(5) No minimum is fixed but experience has proved that to enable hostels to operate at reasonable cost to the parents a minimum of 35 students is necessary.

(6) This figure is based upon the cost of hiring staff, the cost of foodstuffs, and other expenses incurred in the administration of a hostel.

(7) Yes.

(8) It is not considered economically possible to provide hostels for less than 35 students.

(9) Yes. I am aware that Manjimup has not the necessary numbers for the immediate erection of a

hostel, but I am not sure that even if there were a hostel the students necessary to fill it will be forthcoming.

(10) The department has no authority in the matter. The Country High School Hostels Authority is watching carefully population trends in all high school towns and will give consideration to the needs of Manjimup when it has met the demands of all places with greater needs than Manjimup for hostels.

WORKERS' COMPENSATION

Board Reports: Publication and Compilation

20. Mr. MOIR asked the Minister for Labour:

(1) What is the practice of the Workers' Compensation Board in publishing reports of decisions in cases determined by the board?

(2) To whom are such reports made available?

(3) If they are not readily available, will he give consideration to having a regular reporter appointed for the purpose of compiling orthodox law reports based on the board's decision in order that such reports can be made available in periodic instalments to the public in the same manner as are W.A. law reports?

Mr. O'NEIL replied:

(1) In has been the practice to select those decisions which are considered to be of importance and to have them distributed in printed form to—

(a) all insurers pursuant to section 29 (8);

(b) all self insurers;

(c) all kindered bodies and/or tribunals in Australia and New Zealand;

(d) in addition, all such printed decisions, both past and future, can be made available to any persons, on the payment of a single subscription of four guineas.

(2) Answered by (1).

(3) The provisions of section 29 (8), coupled with the existing distribution arrangements, obviate the necessity for such an appointment. All hearings of the Workers' Compensation Board are open to the public.

Medical Board: Assessment of Disabilities

21. Mr. MOIR asked the Minister for Labour:

Will he state if the medical board constituted under section 8 (1D) of the Workers' Compensation Act when assessing the disability of an applicant for compensation under the provision of (1A) of (1C) of that section assesses the disability, if any, in relation to the work he was performing in the industry which he was engaged in when he contracted the disability, or does the board assess the disability as it would relate to some entirely different occupation which he might be engaged in at the time that the worker makes the claim for compensation?

Mr. O'NEIL replied:

The pneumoconiosis medical board's assessment is a medical assessment of the applicant's capacity for manual labour, and is therefore directly related to the nature of his employment in the mining industry.

SHEEP THEFTS

Number and Police Action

22. Mr. GAYFER asked the Minister for Police:

(1) How many sheep have been reported stolen from the agricultural areas of Western Australia in each of the years 1963, 1964, and so far in 1965?

(2) What steps are being taken by the police to counteract this malpractice?

Mr. CRAIG replied:

(1) 1963 .... 4,698 reported stolen.
1964 .... 7,189 reported stolen.
1965 .... 5,038 reported stolen.

(2) A special Sheep Stealing Inquiry Squad is maintained by the Criminal Investigation Branch. In addition, uniformed police and country detectives make a practice of stopping vehicles observed transporting sheep, and also examine sheep on the hoof in the care of a drover.

In addition, frequent checks are made of saleyards and slaughter yards.

KENT STREET HIGH SCHOOL

Science Block: Provision

23. Mr. DAVIES asked the Minister for Education:

(1) Will the Kent Street Senior High School be provided with a science block from the Commonwealth Government's recent grant to this State for such purposes?

(2) If so—
(a) when will this be built;
(b) where will it be located in the school grounds?

Mr. LEWIS replied:
(1) Yes.
(2) (a) During 1966.
(b) This is under consideration at present.

FINGERPRINTING

Facilities for Voluntary Action, and Number Taken

24. Mr. CROMMELIN asked the Minister for Police:
(1) Are facilities for the voluntary taking of fingerprints still available to citizens both in the metropolitan and country areas?
(2) If so, how many people have been fingerprinted:
(a) in the metropolitan area:
(b) in the country?
(3) Is it intended to continue to make facilities available, and is he satisfied that the effort is worth while?

Mr. CRAIG replied:
(1) Yes.
(2) (a) 23,685.
(b) 5,737.
(3) Yes.

SCHOOL AT EXMOUTH

Cost

25. Mr. NORTON asked the Minister for Education:
(1) What has been the total cost to date of building the two classrooms at Exmouth, excluding the air-conditioning?

Air-conditioning Plant: Cost

(2) What was the total cost of the air-conditioning plant?

Classrooms: Area and Accommodation

(3) What is the area of each classroom?
(4) How many children are to be accommodated in each room?

School Grounds: Improvement

(5) Is it the intention of his department to level or improve in any way the school grounds as there is no parents & citizens' association in the area?

Mr. LEWIS replied:
(1) £32,948 cash expenditure to date.
(2) Tender price £4,102.
(3) 569 square feet.
(4) Each classroom can accommodate 40. The present total enrolment is 63.
(5) Contract specifications provide for area surrounding school of approximately 150 ft. x 120 ft. to be bitumen and grass.

MINISTERS OF THE CROWN

Overseas Visits: Number, Purpose, and Cost

26. Mr. TOMS asked the Premier:
(1) How many visits overseas have been made by Ministers of the Crown, and their advisers, on State business, during each of the years 1960 to 1965 inclusive?
(2) Who were the Ministers involved and what was the purpose of each visit?
(3) What has been the cost to the State of each of these visits?

Mr. BRAND replied:
(1) 1960—1.
1961—3.
1962—Nil.
1963—5.
1964—2.
1965—2.
(2) (a) Hon. Premier and Mrs. Brand, Under-Secretary, Premier's Department, Public Relations Officer—5 months, 1963. Familiarisation visit and investigation of world markets and industrial development.
(b) Hon. A. F. Watts—5 months, 1961. Investigation of European developments on Electricity and Education.
(c) Hon. C. D. Nalder and Director of Agriculture—2 weeks, 1963. Study of market potential and importer requirements South-East Asia.
(d) Hon. C. D. Nalder and Director of Agriculture—4 months, 1965. Study of recent developments in world agriculture research and extension methods.
(e) Hon. C. W. M. Court and two members of Export Advisory Committee, and Private Secretary—3 weeks, 1960. Export trade promotion to South East Asia and India.
(f) Hon. C. W. M. Court and Chief Executive Officer, Industries Department, and Chairman, Industries Advisory Committee—6 weeks, 1961. Laporte and Kwinana Lubricating Refinery investigations, United Kingdom and U.S.A.

(g) Hon. C. W. M. Court and Export Sales Promotion Officer—1 week, 1963. Export trade promotion in Singapore and Malaya.

(h) Hon. C. W. M. Court and Economist, Industries Department—6 weeks 1964. Promotion of secondary industries for W.A. in United Kingdom, Europe, and U.S.A.

(i) Hon. C. W. M. Court—6 weeks, 1965. Chase Manhattan Bank Seminar in U.S.A. and steel making investigations Japan and Europe.

(j) Hon. A. F. Griffith and Under Secretary for Mines and Chief Geologist—3 weeks, 1961. Iron ore negotiations in Japan.

(k) Hon. A. F. Griffith and Under Secretary for Mines and Under Treasurer—3 weeks, 1963. Iron ore negotiations in Japan.

(l) Hon. Ross Hutchinson and Director of Fisheries—1 month, 1964. Investigations of fishing develoments and methods South-East Asia.

(m) Hon. L. A. Logan and Town Planning Commissioner — 1 month, 1963. Town Planning Congress, U.S.A. and Child Welfare Congress, Belgium.

(3) (a) £16,085 0s. 1d.
(b) £3,490 0s. 8d.
(c) £1,305 14s. 6d.
(d) Not yet available.
(e) £2,512.
(f) £4,111.
(g) £1,046.
(h) £4,222.
(i) £1,544.
(j) £3,427 2s. 3d.
(k) £3,259 1s. 7d.
(l) £2,366 0s. 2d.
(m) £3,330.

QUESTIONS (7): WITHOUT NOTICE

AIR TRANSPORT

Subsidies: To Whom Granted, and Amount from Commonwealth

1. Mr. BICKERTON asked the Premier:

I do not have the typed answer to question 6 on today's notice paper so I am only relying on my memory, but I understood the Premier to say that the State did not pay M.M.A. any subsidy. Perhaps he could correct that, because I understand a perishable goods subsidy is paid. In the other portion of my question I asked whether he could obtain the amounts of the subsidies paid by the Commonwealth. In view of the fact that this is a State airline and it is of great interest to the people of the State, will the Premier obtain from the appropriate Commonwealth authority the figures concerning the subsidies paid by the Commonwealth to M.M.A.?

Mr. BRAND replied:

The first point of the question concerned subsidies paid by the State to the airline. No subsidies are paid to the airline by the State. They are paid to the consumers in the north in order that they might obtain perishables at a cheaper rate, and it may apply to other articles, too. My answer was that the Government did not subsidise the airline as such.

Mr. Bickerton: They do subsidise it.

Mr. BRAND: The money, for the sake of convenience, is paid to M.M.A. as offsetting the charges which would normally be applicable. The answer to the question is that the State Government does not subsidise the air company as such.

Mr. Tonkin: Isn't that splitting straws?

Mr. BRAND: Of course it is not, and the Deputy Leader of the Opposition knows it is not.

Mr. Tonkin: No I don't.

Mr. BRAND: It is subsidising the consumer of perishable goods—and others maybe—in the north in respect of the actual freight charged by the airline; and this must be abundantly clear to everyone.

Mr. Bickerton: On your side of the House!

Mr. BRAND: And for your own reasons, not clear to you on your side of the House!

Mr. Bickerton: No; it is not clear.

Mr. BRAND: With regard to the second part of the question concerning the Commonwealth subsidies paid, it seems to me it would be just as simple for the member for Pilbara to write to the Commonwealth authorities or to a Commonwealth member of Parliament to seek this information, as it would for me to do it.

Mr. Bickerton: Doesn't the State Government know?

STATE FORESTS

Orders-in-Council: Procedure for Disallowance

2. Mr. RUNCIMAN asked the Speaker:

Would he please examine subsection (1b) of section 20 of the Forests Act and inform the House whether, in his opinion, it is necessary when moving for the disallowance of an Order-in-Council, for the separate motions to be passed in each House of Parliament after notice has been given, or whether it is sufficient for one motion which originates in one House, after notice has been given, to be passed by both Houses and thus satisfy the requirements of the section?

The SPEAKER (Mr. Hearman) replied:

I have given this matter some attention, but I do not think I studied the exact detail of the question asked and for that reason I will reply tomorrow when the House meets.

KALAMUNDA HIGH SCHOOL

Playing Field: Tabling of Papers

3. Mr. DUNN asked the Minister for Works:

Will he lay on the Table of the House all papers relating to the playing field at the Kalamunda High School?

Mr. ROSS HUTCHINSON replied:

I will have a look at these papers and let the honourable member know in due course.

BUS AND AIR TRANSPORT

Subsidies: To Whom Granted

4. Mr. TONKIN asked the Premier:

In relation to the answer the Premier has given in regard to subsidies, in the case of old-age pensioners and school children who are carried by the M.T.T. at lower rates than the rates usually charged, is the amount which the Treasurer makes available a subsidy to pensioners and school children or a subsidy to the M.T.T.?

Mr. BRAND replied:

It is a subsidy to the pensioner—quite clearly. Let me get back to the basic question asked originally: Does the State subsidise M.M.A.? I say, "No". Any other subsidies are in the form of concessions to pensioners, in the case of the question referred to me by the Deputy Leader of the Opposition, or a subsidy to consumers of perishables and other goods, in the other case mentioned.

Subsidies on Air Transport Paid by Commonwealth

5. Mr. BICKERTON asked the Premier:

I come to the second part of his answer. I inquired regarding the Commonwealth subsidy.

The SPEAKER (Mr. Hearman): Order! I do not think I can permit further questions on those lines. The Premier cannot be questioned on a matter over which he has no jurisdiction.

Mr. BICKERTON: My question is in connection with his answer and not in connection with my question. Is that in order?

The SPEAKER: I hardly think so. I should not have allowed the first question, but I did show some discretion on the matter. However, I cannot allow further questions on that line.

Mr. BICKERTON: Would you hear the question first, Mr. Speaker?

The SPEAKER: Yes; I will hear it.

Mr. BICKERTON: My question arises out of his answer, which states that the particulars in respect of this subsidy—I will not mention where it comes from—are not available to his Government. Would that be correct?

Mr. Brand: What subsidy?

Mr. BICKERTON: The Commonwealth subsidy. Surely that information is available if you want it?

The SPEAKER: I will allow that question.

Mr. BRAND replied:

The point I made was that any information regarding subsidies paid to the airline by the Commonwealth is obtainable by the honourable member himself, and it would be just as easy for him to write as it would be for me.

Mr. Bickerton: But you have a secretary!

MINISTER FOR THE NORTH-WEST

Visits to Wyndham on State Ships

6. Mr. JAMIESON asked the Minister for the North-West:

When was the last time he went to Wyndham and back on a State ship?

Mr. Brand: Why don't you tell him you would like him to do it more often?

Mr. COURT replied:

The Premier has answered the question more effectively than I could myself. I would like to go up more often on a State ship.

Mr. Tonkin: It would be a subsidy to you and not the shipping line.

Mr. COURT: I would be travelling on duty and the Premier's Department would have to reimburse the State Shipping Service for my voyage. I cannot recall going as far as Wyndham on a State ship. I have been as far as Derby on several occasions, but not to Wyndham.

RAILWAY FREIGHTS

Concessions North of 26th Parallel

7. Mr. NORTON asked the Minister for Railways:

I wish to direct a question dealing particularly with part (4) of question 7. This part reads—

(4) Is it necessary that such minimum consignment be confined to one truck or can such minimum consignment be spread over two trucks if a truck of sufficient capacity it not available at the station of loading?

At Mullewa, difficulty is being found in getting trucks to carry eight tons of wool. Whilst the trucks are all capable of taking eight tons of loaded weight, the volume prohibits the loading of eight tons of wool in them. Will the Minister consider making two trucks available when trucks of eight-ton capacity are not capable of carrying eight tons of loading?

Mr. COURT replied:

I will have the question examined; but I think this matter has to be kept in its right perspective, because this concession is on a contractual basis, as an ordinary commercial transaction by the Railways Department. I would not like to give a snap answer. I will have the question examined, because it could be that the particular circumstances to which the honourable member refers do not come within this contractual arrangement.

BILLS (2): INTRODUCTION AND FIRST READING

1. Architects Act Amendment Bill.

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

2. Hairdressers Registration Act Amendment Bill.

Bill introduced, on motion by Mr. O'Neil (Minister for Labour), and read a first time.

APPOINTMENT OF A PARLIAMENTARY COMMISSIONER

Introduction of Legislation: Motion

MR. TONKIN (Melville—Deputy Leader of the Opposition) [5.3 p.m.]: I move—

That the effectiveness and undoubted success of Parliamentary Commissioners (Ombudsmen) having been clearly established in all countries where they have been appointed, it is recommended to the Government that steps be taken, as early a possible, to establish the office in this State so that our citizens may not continue to be denied the benefits which the existence of an ombudsman confers.

My motion seeks an expression of opinion from this House that the appointment of an ombudsman, or parliamentary commissioner, in this State is desirable, and that the appointment should be made without delay.

Twice previously I have attempted to obtain an affirmative decision from the House, but without success, I think the real reason being not that the argument lacked any strength, but that the question was treated in a party political way. I would hope that a decision might be made on the merits of this case and not on a party political basis, because this is not a party political question.

The New Zealand Government is not a Labor Government, and it appointed an ombudsman. I have seen in the newspapers where various Liberal Party organisations in Australia have advocated the appointment of an ombudsman; and so of course have Labor organisations. So the question of an ombudsman does not seem to be restricted to any line of thought. The appointment of an ombudsman ought to rest upon the effectiveness and undoubted success of ombudsmen where they have been appointed, and also whether it can be established that a need for an ombudsman actually exists in Western Australia; and I propose to do my utmost to establish both those propositions.

The first ombudsman of whom we hear anything was appointed in Sweden over 150 years ago—to be precise, in the year 1809; and there is still a Swedish Ombudsman. So it would appear that the officer must have been successful, or that the people there are pretty dull of comprehension and have not realised he is a failure; and I think the latter is ridiculous.

It is natural that an ombudsman having been appointed in Sweden, the countries in proximity would be the first to be impressed by such an appointment; and that is so. The next appointment was made in Finland in 1919. Following that, an ombudsman was appointed in Denmark in 1955, and finally one was appointed in Norway in 1961. So all the Scandinavian countries have, one after another, decided

to appoint ombudsmen in the interests of their people. I suggest that each successive appointment confirms the fact that the ombudsmen in Sweden and in Finland have proved so successful that public opinion obliged the other Scandinavian countries to follow suit.

In 1962 an ombudsman was appointed in New Zealand, and now we have the situation that an appointment has been made in Great Britain. We know that a Bill was introduced to the United States Congress for the appointment of an ombudsman in that country. It is true the Bill has not yet been discussed; and I quote from *Mirror of World Opinion* under the heading "Ombudsman for Americans" as follows:—

> In Sweden, Finland, Norway, Denmark and—most recently—New Zealand, the national legislatures have established the office of the "ombudsman," or "grievance man," to look into complaints from private citizens ...
>
> Would such an arrangement work well in this country?
>
> Congressman Henry S. Reuss of Wisconsin suggests, in an article in the New York Times Magazine, that it might—in modified form.

What this congressman wants is not that the complaints should go direct from the citizens concerned to the ombudsman, but that they should go to him through the medium of a member of Parliament. That, however, in no way detracts from the value of an ombudsman; it is only a matter of different procedure.

In May, 1959, a symposium was held under the aegis of the United Nations, and the Danish Ombudsman read a paper entitled *An Experiment of Parliamentary Commissioners in Certain Scandinavian Countries*. He surveyed the work of the ombudsmen in those various countries and, in my opinion, he gave a particularly strong case for the appointment of ombudsmen in all countries, in the interests of the common people.

The Danish Ombudsman was able to show by actual examples that in all instances, in all the Scandinavian countries, the ombudsmen enjoyed the confidence of parliament, the confidence of the administration and the confidence of the public generally; and he pointed out that from the inception right up to the time he was speaking, the Press had adopted a friendly attitude toward these officers. So it would be extremely difficult to find anybody who was against them.

It transpired that there were about 1,000 cases a year in Denmark that were referred to the ombudsman; and, in the year 1963, of the approximate 1,000 cases, 167 were considered to require investigation. That is a very fair proportion, and it suggests that if in one year there are 167 cases requiring investigation, which otherwise would not be investigated, there is a need for somebody to do this kind of work.

The question we must answer in order to demonstrate whether an ombudsman is, or is not, necessary in Western Australia, is whether there is a sufficiency of citizens' guarantees against mistake, negligence, and direct abuse of power by public authorities.

I suggest there is a great necessity in this State for the existence of some means of impartial adjudication. I have had sufficient experience to know that on a number of questions which are raised, one finds it extremely difficult to get impartial adjudication. The lawyers in the House will agree that the statement I propose to make is absolutely factual; and it is that Anglo-Australian-New Zealand law has no effective general principle about the abuse of rights, private or public.

It is evident from our own experience that there is a growing bureaucracy in respect of powers of government. In this connection I would like to quote a statement made by our Chief Justice on the occasion of the law convention which took place at Bunbury in 1963. This statement is to be found in *The West Australian* of the 9th September, 1963, if anyone wants to refer to it. It reads—

> The growth of administrative bodies has been noted by jurists and the necessity has been emphasised for some measure of control, because these bodies often do exercise powers which can lead to serious interferences with the rights and liberty of the individual.
>
> Generally speaking, unless a body is exceeding the powers entrusted to it by Parliament, there is no redress and the citizen generally may not be informed and has no means of finding out the basis on which the administrative tribunal came to its decision.

I was very interested in a paper given by Mr. J. L. Wickham, a lawyer engaged in practice in Perth. He addressed some sort of a law convention which was held, I believe, at Geraldton under the aegis of the Law Society. Mr. Wickham's comments appeared in *The West Australian* of the 21st September, 1964. He put forward what I think was a very interesting and thoughtful proposition with regard to the administration of the law. He suggested a system which might be tried out, and generally his idea was this: There should be established an administrative tribunal of subordinate jurisdiction, and there should be a Supreme Court judge whose particular job would be to hear appeals from decisions of this administrative tribunal.

He gave a number of instances where, he said, the rule of no-law applied in Western Australia at the present time.

His idea was that if we had a Supreme Court judge who could devote his time to administrative appeals they could be upon the facts, upon the law, and upon the merits of the case, with a right of appeal from his judgment to the Full Court on matters of law, but not on matters of fact or on matters of merit; if there should be any difficulty about the decision on matters of law there could then be an appeal from this judge to the Full Court.

He recommended that the tribunal should have the power to decide questions capable of decision, to prohibit, to direct on the use or non-use of power, to declare, to recommend, to advise, to order, and to quash. Then he made this remarkable statement—but, I feel, very true nevertheless—that there were a number of instances in Western Australia where it was a case of the rule of no-law and he gave these illustrations—and I quote from the article of the 21st September 1964—

> Non-use of power was particularly unfortunate in monopoly activity, such as where the State had a monopoly of an essential service.
>
> As an example, the Electricity Act, 1945-53, and the State Electricity Commission Act, 1945-59, constituted an exclusive monopoly for the supply of electricity.
>
> There was no general obligation to supply.
>
> There was some obligation to continue a supply once provided, but there was no general obligation to allow any particular individual to share in it. In a special case requiring an extension of mains, when a consumer applied for a supply the commision could make the supply available or, with the consent of the Minister, could reject the application. The citizen could either like it or lump it.
>
> This legislation provided another example of the rule of no-law in that if an existing supply was wrongfully cut off the consumer could take a complaint to the Minister, who could refer it for inquiry and determination to, believe it or not, the commission.

So there we have an obvious situation of the rule of no-law—no lawful course open to any aggrieved person to have a decision made in those circumstances rectified. But an ombudsman might, in the first instance, prevent such a thing from occurring by his very existence; or, secondly be able to make an inquiry, and if there was evidence that unfairness was being practised against the consumer, he could make the necessary representations to get a satisfactory result.

However, as things are at present in Western Australia, no redress whatever is available. It is idle to say, as the Minister for Industrial Development said last time this matter was before the House, that as a member of Parliament is able to ask questions the matter can be adequately dealt with. One has only to think of one's own experiences in regard to asking questions to see what possible results can be achieved by that method. So it would appear to be abundantly clear, in cases such as those I have just mentioned, that there is a need for somebody to whom an aggrieved person may turn in order to get redress.

Mr. Wickham gave further examples of the rule of no-law. He said—

> An example of the rule of no-law which directly affected the interests of individuals, was contained in the Metropolitan Region Town Planning Scheme Act, 1959-62.

He further said—

> If Parliament proclaimed the rule of no-law, administrators and Ministers could do nothing but make the best of it. If the rule of law was postulated in terms only of procedures this left arbitrary power, and even though such power was exercised by a judge through the judicial process it was still arbitrary. Rule-of-law procedures might cloak the rule of no-law.
>
> A case which lacked both right and procedures was in the field of railway construction.

The Minister for Railways would well appreciate that. Mr. Wickham went on to say—

> Because our administrators were decent people, they did not wish to make enemies, to cause departmental friction, to be disloyal to subordinates or to waste public time or money, and they did wish to do what they thought was best.
>
> All those admirable qualities were just the qualities which helped to prevent an impartial adjudication. It was not only not right from the public point of view but it was not fair to the people concerned for administration to proceed in a lawless vacuum.

Mr. Wickham suggested that perhaps there should be a Supreme Court judge appointed in Western Australia, and he outlined, or explained what I have already indicated to the House. He continued—

> It was difficult to see the objection to a system of administrative law being developed, provided it was under the rule of law and that the two streams of administrative law and common law met in the Supreme Court. English equity grew up in that way.

Then he said—

> If no policeman could even start to make an inquiry, or if no Registrar of Companies could even start

to recommend an investigation without having a full hearing, the administrative problem would be solved because before long there would be nothing to administer.

To cope with problems at those levels an ombudsman was necessary. After setting out clear examples of the rule of no-law, and the difficulties with which the ordinary citizen is confronted. his concluding statement was that an ombudsman was necessary. He continued—

> The existence of an administrative tribunal in this State would enable an ombudsman in appropriate cases to lay a complaint before the administrative tribunal. Many problems at the ombudsman level would be solved by the mere fact that he existed. The occasions for drastic action would probably be few.

The experience in New Zealand was that in 1963 there were 760 complaints and of these 300 were found to require investigation. Of the cases investigated 68 deserved remedial action: about half of those were attended to by the relevant departments and the remedial action was provided. With one quarter of them some resistance was found in the departments and stronger pressure was necessary in order to obtain remedial action, but it was eventually obtained. Unfortunately, one quarter of them were past remedial action; the damage was done and no redress was possible.

Those are impressive figures and the reasonable deduction in the circumstances is that many people would have suffered unnecessarily in that year in New Zealand if there had been no ombudsman to whom they could turn.

I have reference to an article which appeared in a publication called the *West Anglican;* and this was a reprint of an article which had appeared in *The Australian.* A statement made at the commencement of the article was—

> New Zealand has had an Ombudsman for two years. Already it is clear that the experiment is a success.

Then we had a statement by the learned judge who came from New Zealand and who addressed the law convention in Bunbury. After delivering a paper on the activity of the Ombudsman he said, on page 10 of the transcript of his statement—

> I find myself amongst those, and there are many, who heartily applaud the decision to appoint an Ombudsman in New Zealand as an officer of Parliament to investigate and report on decisions, acts and omissions of Government departments and of their officers and members.

The clinching point with regard to New Zealand comes from this statement: We had a very distinguished visitor here some few months ago by the name of The Hon. Blair Tennant, who is the Chairman of the Commonwealth Parliamentary Association and a member of the New Zealand Parliament. Seeing him talking to The Hon. A. F. Griffith (Minister for Justice) I went up to him and, without any opportunity of prompting him beforehand, because Mr. Griffith was already in conversation with him—and I had no intention of doing it anyway—I said to him—

> Mr. Tennant, would you give me your frank and candid opinion of the New Zealand Ombudsman?

His reply was—

> Absolutely and unequivocally a success.

I did not have to say anything to Mr. Griffith. There was a case where a Liberal member of Parliament made a judgment on an action of his own Government and, without the slightest hesitation, he declared that the Ombudsman in New Zealand was absolutely and unequivocally a success.

Mr. Fletcher: I wonder if the Premier is listening to that. Did you hear that?

Mr. Brand: Yes. I was wondering what he would have said in any case.

Mr. TONKIN: If further argument about this is necessary or desirable one can find it in a very fine article written by Geoffrey Sawer, Professor of Law at the Australian National University. He gave an address on the first New Zealand Ombudsman, Sir Guy Powles, who was appointed in October, 1962. Professor Sawer published a pamphlet in the Melbourne University Press which described the work that had been done. He gave illustrations of some of the cases; and I propose to read some of these, so that members will have an idea of the actual detail which is involved.

The first case contained some trouble over the failure of a maintenance officer properly to carry out his work. It reads as follows:—

> The complaint related to the alleged failure of a maintenance officer in Auckland to seek an attachment order in respect of the wages of the complainant's former husband, and to advise the complainant of the outcome of the hearing of an information for arrears of maintenance payable under a maintenance order.
>
> While the Ombudsman found that neither complaint was justified, his investigation disclosed that the maintenance officer had failed to keep the complainant, who was residing in Canada, fully informed of certain events concerning her former husband which had a material effect on the future payment of her maintenance allowance. The Department of Justice took remedial action.

The reasonable assumption in that case is that had there been no ombudsman to whom this matter could have been referred no other machinery was available to get remedial action taken.

The second was a case of land purchase and was as follows:—

> The complainant, in partnership with others, purchased land in 1950-51 for use as a motor camp, motel, and amusement park, but the project fell through and the partnership was dissolved. The complainant alleged that the Inland Revenue Department was consulted, and informed him that the assets of the partnership were not taxable, but were capital gain; but some years later the Department claimed tax on the sale of the land.
>
> The complainant's professional advisers failed to lodge a formal objection in the time allowed, and when the complainant sought to do so he was informed that his objection was out of time. It was against the Commissioner's refusal to accept a late objection that the complaint was made to the Ombudsman.
>
> During his investigation it became clear that the full story had not been known either to the complainant or to the Commissioner. When the full facts were taken into account the Commissioner, on receipt of a further formal submission supported by new evidence, decided to accept a late objection to the extent that it related to the merits of the assessment of tax on the profits arising from the sale of the land concerned. The complainant was satisfied with this decision.

There we have another case where no redress would have been available if there had not been an ombudsman to whom the matter could be referred. The third case I would like to quote concerned a mail contractor and was as follows:—

> The complainant, a rural mail contractor, had applied to the Post Office for an *ex gratia* payment to cover unforeseen losses which he had suffered because of protracted road construction work on roads over which his mail delivery was made. The application was declined and the complainant went to the Ombudsman. He claimed that his delivery vehicle had suffered abnormal damage amounting to some £40.
>
> The Ombudsman took the matter up with the Post Office and it was reconsidered, resulting in an *ex gratia* payment of £40 being made to the complainant.

There is another instance where an individual would have been forced to accept the situation and carry the losses which he had sustained, but where, as a result of an authoritative investigation, justice was done and the man received the payment for which he had originally asked.

Surely it is difficult to argue that we in Western Australia should not have the advantage of this facility, when people elsewhere in the world are supplied with it! Are they so much more worthy than we, that they can have their complaints properly investigated and redressed, whereas we cannot?

Anyone who has in recent months been reading the columns of the evening paper in this State surely will readily appreciate the very great interest which is taken in this matter. The fact that there is somebody to whom a complaint can be referred publicly—and that is the great strength in this—means that very often redress is obtained. I have read these cases with the greatest interest. When a person makes a complaint to a member of Parliament that member very often does not get any publicity for the action he has taken, and he thus loses the strongest force which would enable him to achieve success.

Wrongdoers do not like publicity, and the threat of publicity is sufficient to make them take a second look at the misuse of power. That appears to be some of the strength of the Ombudsman in New Zealand, as Mr. Wickham pointed out. His very existence, the fact that he is there and can give publicity to any case where he is not making any progress, is enough to enable him to make that progress.

It is very significant that, so far as I know, up to the present time—and I have seen no evidence to the contrary—it has not been necessary for the New Zealand Ombudsman to report a single case to Parliament. He has been able to obtain redress—in those cases which were entitled to be redressed—by a suggestion, in the first place, or a little more pressure in the second place. He has never been obliged to report to the Prime Minister, or to take the matter to Parliament as is provided for in the legislation.

Mr. Grayden: It has a salutary effect; that is important.

Mr. TONKIN: And it is far better that these grievances should not exist than that they should be caused and someone should have to redress them later.

The Scandinavian experience, and the New Zealand experience, emphasise the fact that the very existence of the Ombudsman is something which reduces, considerably, the number of cases where genuine grievances exist.

Mr. W. A. Manning: Would you make a charge to avoid frivolous complaints?

Mr. TONKIN: The Ombudsman is able to determine for himself the number of cases which he will investigate; and the figures show that a considerable number of

them do not get past the stage where they are represented to him. I quoted the figures for one year. In 1963 there were 760 complaints, of which about 300 were investigated, which means that some 400-odd were not investigated at all; they were not regarded by the Ombudsman as requiring investigation; they were not justified. But of those 300 cases which it was considered should be investigated 68 were shown to deserve remedial action.

Mr. Grayden: It has got to the stage where a member of Parliament has taken cases to the *Daily News* ombudsman.

Mr. TONKIN: That is so. The experience of Sir Guy Powles, as indicated in his report to the New Zealand Government, was that members of Parliament had been representing cases to him. I shall read that section of the report referred to in the newspaper article by Geoffrey Sawer which deals with that angle. It states—

> But the Ombudsman does report that a number of his complainants have been referred to him by members of Parliament, which is some indication that they thought his approach to departments might be more productive than their own. He has also received complaints from lawyers, suggesting that they did not scorn to by-pass the law. It may even be that the middle and lower ranks of the civil service, still professionally against him, will become reconciled, on the ground that he is creating work. At least one department has asked for extra staff to deal exclusively with inquiries from the Ombudsman.

Whichever way one looks one finds weighty argument in support of the case for such an appointment in Western Australia. I well recall that on each of the previous occasions when I sought the agreement of the House to this recommendation the Minister for Industrial Development spoke on behalf of the Government, and the only argument on which he relied was that there was no need for such an officer in this State; that members of Parliament could do the job adequately; and that they could ask questions in Parliament.

Mr. Grayden: In two instances I have taken cases to the *Daily News* ombudsman. I had been unsuccessful in dealing with them, but he was successful in both instances.

Mr. TONKIN: I hope the honourable member holding that view will support the motion before the House. I hope he will not be the only one from the opposite side who will support it. Surely this matter transcends any question of party politics. It is one in which the welfare of the mass of the people is under consideration. Such an institution has been established by Liberal Governments, as well as by Labor Governments, thus showing the universality of the advantage to be derived. Surely we are big enough in this State to transcend the requirements of party desires, and to consider a question like this on its merits.

The support of my proposal will not put anyone in the cart. It will not score any political advantage for anybody; it is not a new idea; it is an institution which has been in operation in Sweden for more than 150 years. The people of that country must be a long way ahead of us in their thinking. It is very significant that one Scandinavian country after another, at long intervals of time, followed the example of Sweden, and no-one can quote a single instance where the ombudsman experiment was tried but was subsequently abandoned. On the contrary, in every instance attempts were made to enlarge the powers of the ombudsman, and to increase his field of jurisdiction, in order to confer a still greater benefit upon the people.

In whose interests is this done? Not in the interests of a section of the people, but in the interests of the common men and women to whom no process of law is available and no redress is likely, unless there is some figure appointed—with sufficient authority and sufficient impartiality—to get the results.

When a member of Parliament makes representations to Government departments some political flavour is unavoidable. The officer in a department to whom representation is made might feel that if he concedes something to a member of Parliament, who is not in the same political party as the Government members, he will get into trouble, so he restrains himself from doing what he should. If there is some impartial, authoritative person who can adjudicate on these questions he can make an approach to a Government department without any political bias whatever and without any suggestion of such bias. I submit that the strength of his representations is increased considerably as a result. Do not the figures show it?

Coming back again to what Sir Guy Powles had to say, half the cases which were entitled to remedial action were remedied, and a quarter of them could not be remedied because it was too late. I hope that as time goes on the cases which cannot be remedied because it is too late will become fewer and fewer, and so the cases which will be referred to the ombudsman will also become fewer in number. When it is realised there is a person available to get results, then the likely outcome will be that those in official positions who are prone to misuse their power will be less likely to do so. So I say the causes of grievances will commence to disappear. Instead of the ombudsman being overburdened with work arising from an increase in the number of cases submitted to him, experience has shown that they will become fewer.

I conclude with a reference to the following article which appeared in *The West Australian* of the 29th April last:—

Ombudsman Less Busy

Wellington, Wed.: New Zealand's ombudsman, Sir Guy Powles, said today that 724 complaints had been referred to him in the past year, compared with 760 in the previous year.

Little more than half the complaints —386—had not called for full investigation.

Sir Guy is empowered to deal with complaints from the public against government administration.

I hope that the case which I have been privileged to submit to the House is sufficiently strong to warrant the support of all members. I would like to see a unanimous vote on a question like this, so as to indicate to the people that we are at one in our desire to provide the facility which appears to be so necessary. When men like the Chief Justice of this State and Mr. Wickham, a prominent barrister—who deal with the law every day—point out the inadequacies of the law, and refer to the need for the appointment of an ombudsman, surely we ought to be guided by their thoughts in a matter of this kind.

To me it would appear that lawyers would be the first to decry this move, if they felt that an ombudsman would in any way threaten the work which they did, or if they felt that the existing procedures were adequate. But the men to whom I have referred have said that the existing procedures are not adequate, and that an administrative section of the law, which could deal with these vacuums of no-law, has not been built up.

Let us supply something and remove that vacuum. Whether it is built upon or not—that is, the administrative tribunal—I will leave for the authorities to work out; but I feel that the appointment of an ombudsman in Western Australia is amply justified and very necessary.

I trust that members will consider this question dispassionately and judge it upon its merits.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

GASCOYNE RIVER: DAMMING

Motion

MR. NORTON (Gascoyne) [5.51 p.m.]: I move—

That the damming of the Gascoyne River for the stabilising, developing, and expanding of intensive agriculture on the Gascoyne Delta and along the Gascoyne River is of such State and national importance as to require urgent action by the State Government to proceed at an early date with the construction of the necessary head works.

I think it would be only right for me to give the House a slight history of the growth of the agricultural industry in Carnarvon. This actually started after the first World War, when the first subdivisions were made for the returned soldiers at that time. The idea in those days was the growing of peanuts in that particular area, but this failed very soon after it was commenced. Shortly after that some bananas were grown; but due to a disease being imported with the suckers, they were quickly thrown out.

It was not until the beginning of the 1930's that bananas were again thought of at Carnarvon; and the industry started off slowly with one or two growers who worked under the directions of Mr. Wise when he was agricultural adviser for the north-west. Due to the depression, and also to the extensive drought in the 1930's, the industry experienced very little growth; but after the 1930's—really after the second World War—growth started to take place very rapidly. Actually, one could say the growth started in 1945, when the men returned from the services, and a number rehabilitated themselves there.

In the 1930's, one of the main factors which helped to keep the industry back was transportation, because in those days the growers had to rely entirely on the State Shipping Service for the cartage of produce. In many instances it meant waiting 10 days to a fortnight before they could send their produce south for sale. In 1945 the prices for vegetables and fruit were fixed and that helped considerably in stabilising the industry at that time. Also at that time road transport was commencing between Geraldton and Carnarvon and this helped greatly in getting away regular shipments of fruit and vegetables.

Transport again hindered the economic side of the industry, because it then took five days for a perishable consignment to reach Perth and, in the summertime, this was detrimental owing to the heat as the trucks were totally unsuitable for the carriage of bananas. These trucks were the only method of transport available. In 1947, which was the peak year of that period, considerable loss was experienced by the growers on account of both road and sea transport.

In February, 1947, a very heavy downpour of rain—it was really a cloudburst—south of Carnarvon cut the road, unbeknown to the people at Carnarvon. Trucks left Carnarvon carrying some 1,500 cases of bananas and were from early morning until late evening trying to get through the flooded area, with the result that every banana in those 1,500 cases was condemned.

Some officers of the State Shipping Service decided to purchase the *Villerette* and put it on the coast in order to run a service between Carnarvon and Fremantle. They loaded this vessel in the same week with another 1,500 to 2,000 cases, but struck bad luck in the way of bad weather and it took the boat five to six days to get to Fremantle. The electrical equipment on the vessel cut out, with the result that the fans which ventilated the holds broke down. No ventilation was given to the bananas and the whole consignment was lost. Therefore, within a week, 3,000 cases of bananas were lost through boiling, brought about by bad transportation. In 1955 the growers obtained co-ordinated transport when the Gascoyne Traders eventually took over from the small carriers who were carting various consignments.

In 1956 the Labor Government put a clay barrier in the river to try to conserve water and help further stabilise the industry. This did a considerable amount of good to quite a few growers, but it was not the complete answer. In 1960 the Liberal Party Government got Scott and Furphy to conduct a survey on the Gascoyne River for the purpose of seeing if there were any suitable places for damming for the conservation of water and to stabilise the industry. So far, little or nothing has been done, with the exception of the installation of a pilot scheme, which assists about 20 growers.

Since 1960, we have had an exceptionally good run of seasons and that has helped overcome the water shortage in the area. Production over that period has greatly increased, and this is not due in any way to the water restrictions which govern water taken from the river; it is entirely due to new chemicals used to combat the eel worm, one of the pests that feed on the roots of plants and badly restricts the flow of sap, reducing their productivity. With this chemical it is now possible for the growers to obtain better production, as I will show later on, and this, of course, helps the industry generally. When water is short the plants are able to make full use of their root system and receive the amount of moisture required to keep them in a thriving condition.

In 1962 Messrs. Parker and Nalson made an economic survey of irrigation on the Gascoyne River. I think, Mr. Speaker, you have heard me quote from this before. It is a very good report containing some very good suggestions. If we can get economists to agree that an industry can be stable, then we have gone quite a long way in proving our case. I would like first of all to quote from page 20 of this report, which deals with the stabilising of the industry at Carnarvon. It reads as follows:—

> The social objectives in relation to stabilisation can be considered under three headings: welfare, continued utilisation of social investments, and population effects.
>
> The Carnarvon banana and vegetable industries contribute about £0.6 m. to the gross income of the State.

Here I might say that this amount has increased since this book was written. To continue—

> Expenditures on flood relief, subsidised air transport and road works are no different from those undertaken in other parts of the State. If, then, the standard of living of the Carnarvon population is threatened because of water shortages and salt encroachment, there is a case on welfare grounds for Government action. But sabilisation measures taken on welfare grounds alone, could be of a corrective nature and could result in some reduction in the primary industry. Other social objectives, however, may run counter to this.
>
> Carnarvon possesses a range of social services and facilities which have developed over time to serve the needs of the surrounding area. As the use of these facilities by the pastoral industry has declined, the "slack" which would otherwise have developed has been taken up by the expansion of agriculture. A considerable decline in this industry would result in underutilisation of the present services and facilities, but establishment of the space tracking station nearby and the naval communications base 200 miles to the north would make up for small contractions.

That is true only to a certain extent. Continuing—

> In the absence of measures to stabilise or develop the agricultural industry at Carnarvon, the situation is likely to deteriorate still further and a severe drought could force many of the newly established producers to leave the area. In general, these are the younger members of the community of whom many have young children or children not yet of working age. This demographic group has been largely responsible for the change which has occurred in the proportions of males to females and of employed to non-employed persons in the population of the plantation area. The encouragement of a more balanced population structure of this nature should be an essential feature of plans for increasing the permanent population of the north. Thus, even if development of Carnarvon were to be ruled out, stabilisation of the industry could still contribute towards population objectives.
>
> There are strong economic grounds for stabilising the industry. The plantations have been developed largely by the labour and from the

savings of growers themselves who have also financed the heavy expenditures involved in sinking wells and repairing flood damage. The service industries which have developed have also been financed by private capital. Furthermore, the necessity for fast, efficient transport for the consignment of produce has made easier the transport of goods back to Carnarvon, the surrounding pastoral area and points further north. The changeover to road transport for this part of the North has made unnecessary the relatively large expenditures which would be needed to improve the jetty facilities at Carnarvon and to dredge the approach channels. Without the growth of the plantation area, it is likely that Carnarvon would have suffered the same fate as Onslow as more and more of the trade of the surrounding pastoral country shifted away from the town.

That is very true; and it is also very true that if road transport had not taken over, the Government would have had to spend large sums of money to rehabilitate the jetty and its approaches in order that produce and commodities might be transported to and from Carnarvon.

Carnarvon has three of the four basic necessities which are required for the stabilisation and development of the industry. Firstly, it has the good land. This has been amply proven by the production, with which I will deal later on. Carnarvon also has the climate suitable for tropical agriculture, and it has the basic services and the local facilities. However, water is the main problem.

I said I would deal with the production at Carnarvon. It is interesting to note that the gross average for vegetables was £765 per acre. Page 25 of this report contains a table indicating how the production has increased over the years, together with the acreage. Portion of the table is as follows:—

Season	Vegetables	Bananas	
		Bearing	Yield
	Acres	Acres	Bus. per acre
1932-33	15	13	5
1942-43	12	161	160
1952-53	57	374	184
1953-54	81	366	114
1954-55	113	430	178
1955-56	177	400	171
1956-57	365	245	139
		(The drop in acreage and bushels was due to a cyclone the previous year)	
1957-58	399	224	195
1958-59	468	256	277
1959-60	578	282	383
1960-61	693	131	58
1961-62	963	191	252

I have not the acreage for 1962-63, but the production of bananas in bushels was 76,518, and in 1963-64 it doubled to 140,603 bushels.

So one can see that the production has well and truly jumped up in the area, both for vegetables and for bananas. I would point out that Carnarvon has produced up to 830 bushels of bananas per acre per year and the present average is in the vicinity of 600 bushels. So it can be seen that the production figure for the area is very high, especially if we compare it with the Eastern States production. I will quote some figures from the 1964 Year Book. The figures are for the years 1962-63. The average production in New South Wales was 166 bushels; in Queensland, 124 bushels; and in Western Australia, 249 bushels. The W.A. figure was for a year following a cyclone and the bushels per acre were lower than normal.

In the Carnarvon plantation area there are 4,500 acres of land held under freehold, but at the moment only about one third of that area is used for primary production. The rest is lying idle because there is no water for development. On top of this, the Furphy report on the Gascoyne River states that there are another 250,000 acres of land adjacent to Carnarvon which could be developed.

As everybody knows, Carnarvon has a very mild winter climate, and one which lends itself to the growing of out-of-season and tropical crops. At the present time, Carnarvon produces beans, tomatoes, pumpkins, capsicums, egg fruit, melons, and cucumbers. The melons are both rockmelons and watermelons. Carnarvon also has an ideal climate for the growing of cotton, and there is no need for me to say any more about bananas, because the figures I have quoted show the suitability of that crop.

With regard to basic services for Carnarvon, it has a good hospital, school, electricity supplies, and water supplies. The roads are very good and the town is well served by the main sources of transport: sea, road, and air .

Water is the main essential. To give members an idea of how hard it is for the people in the district to be able to actually budget to see just what they can grow, I am going to quote some figures referring to rainfall and the river flows for the past 20 years. The figures are enlightening, because over the past 20 years, 10 of them have been below average, and the average of non-flow of the river is one year in every six. The figures are as follows:—

Year	Rainfall (points)	Number of flows	Months
1944	697	*Nil*	
1945	684	3	February, June, August.
1946	708	2	February, March.
1947	1,343	3	March, May, July.
1948	631	4	February, March, April, June.
1949	1,430	2	February, May.
1950	461	*Nil*	
1951	982	1	June.

There was no river flow for 13 months after May, 1949.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. NORTON: Prior to the tea suspension I was giving the House details of the rainfall for the Carnarvon district over the past 20 years together with details regarding the number of river flows to the sea during that period. In 1951 there were 982 points and there was one river flow; so that 13 months elapsed between the river flow in May 1949 and the river flow in 1951. The details of the rainfall table from 1952 onwards are as follows:—

Year	Rainfall (points)	Number of flows	Months
1952	1,173	2	January, May.
1953	1,508	3	March, May, June.
1954	471	1	June.
1955	419	1	February.
1956	914	*Nil*	
1957	776	2	February, June.

It should be noted that between February 1955 and February 1957 there were no river flows, which meant a period of two years between the flow of the river in 1955 and the flow in 1957. During that period there might have been smaller flows, which came part of the way down the river—possibly as far as Brick House and Rocky Pool—but none reached the sea. To continue—

1958	1,164	4	January, March, May, June.
1959	419	*Nil*	
1960	1,208	2	February, July.

So here again there was a period of 20 months between river flows. The table continues—

1961	880	3	January, February, April.
1962	959	2	February, June.
1963	2,189	3	January, February, June.
1964	942	2	April, June.

This year, we have no recordings regarding the amount of rain, because the year has not yet finished; but so far there have been five river flows—one in March, one in May, two in June, and one in August, and there could be another one before the year is finished.

From these figures it will be seen that although the average rainfall for Carnarvon is 8½ in., on only 10 occasions over the period I have been discussing has the rainfall exceeded the average. It will also be seen from the record that with the exception of one period the river has not flowed every sixth year.

Over the years that I have been at Carnarvon I have seen almost the highest, and certainly the lowest rainfall recorded for the district. The lowest yearly rainfall occurred in the 1930's when the district had 273 points for 12 months. The highest rainfall I have seen since I have been there was in 1963, when we had 2,189 points. But actually the highest rainfall ever recorded in the district was in 1923 when it had over 26 in.

The Public Works Department, in about 1961 or 1962 estimated that the river sands, acting as a reservoir, would hold 7,000 acre ft. of water. This, of course, is only a guess; but it is known, from actual recordings, that the requirements of the plantations at that time were 3,500 acre ft. per annum. That quantity of water would allow the plantations to produce sufficient out-of-season crops of bananas to supply the Perth and Adelaide markets. However, without supplementing the water supply, it is doubtful whether the plantation areas could survive two years, or even 18 months, between river flows, because the water would become salty and would probably destroy the industry.

To illustrate how necessary it is for more water to be provided as quickly as possible I would like to quote some figures from the economist's report to which I have referred, for the period 1962-63, and the estimated requirements for 1975. In the year 1962-63 there were 221 acres of bananas at Carnarvon, and that is not nearly sufficient to meet the requirements of Western Australia; in fact, that acreage of bananas would not meet half of the Western Australian demand. There were 889 acres under vegetable cultivation in that year and these vegetables were meeting the off-season requirements, so far as beans were concerned, of the Perth and Adelaide markets. If these markets are to be supplied, and if the industry is to keep pace with the natural increase in population, which is estimated to be 2 per cent., it will be necessary for the acreage to be increased very considerably by the year 1975. To substantiate my remarks I shall quote from page 88 of the report. It reads—

> Economic forces favouring some expansion of irrigated agriculture at Carnarvon are:
>
> (i) The expanding Perth market for out-of-season vegetables which is expected to increase with the growth of the Western Australian population at a rate of about two per cent per annum. In addition, the quickening of development in the north-west suggests that the area may eventually provide an outlet for Carnarvon produce over a longer season than is possible on the Perth market.
>
> (ii) The expanding market for beans sold on the Adelaide market. By 1975 this market could require a further 90 acres of additional production at Carnarvon, and further penetration of interstate markets appears likely providing that an effort is made to ensure regularity and quality of supplies.
>
> (iii) The likelihood of displacing Eastern States bananas sold on the Perth market.
>
> (iv) The total potential demand for Carnarvon produce which, by 1975, could amount to an additional 1,100 acres of

> vegetables and between 900 and 1,200 acres of bananas. This could be supplemented by a small acreage of citrus and tropical fruits for the Western Australian market, and a much larger acreage of dates for the Australian market.

From that report it will be noted that by 1975, 1,421 acres will be required for bananas, and 1,989 acres for the growing of vegetables, making a total of 3,410 acres, against the 1,010 acres required in 1962-63. This acreage will mean that the water supplies will have to be more than doubled to keep up with the demands of the plantations. Even if the river flowed every year the water stored in the river sands would be insufficient.

To give members some idea of the increased quantity of beans that has been placed on the Adelaide market in the last three years I will quote the figures supplied to me by the statistical department in Perth. In 1963 the quantity of beans exported totalled 18,296 centals; in 1964 it was 27,726 centals; and in 1965 it was 35,464 centals. The reason I am able to quote the figure for 1965 is that the figures are taken to the 30th June and not to the end of March, as is the custom with other forms of agricultural statistics.

Another phase of the vegetable industry that has not yet been exploited by Carnarvon growers is the snap freezing and canning of vegetables. Following the taking over of the Shark Bay and Carnarvon prawning factories by Wm. Angliss Limited there is a likelihood that that company will, in respect of the canning and snap freezing of various products, be installing machinery capable of handling the surplus products grown at Carnarvon, thus allowing the growers to expand their activities in regard to the type of vegetables that can be snap frozen and canned for local consumption and for export to countries overseas.

At page 39 of this report the economists deal with the scope and potential of various crops, about which very little has been known. The report reads—

> Scope appears to exist for extending sales of Carnarvon citrus and tropical fruits. At present, small consignments of grapefruit, mandarins, oranges, avocado, mango, egg fruit, passion fruit, and paw paw are made to Perth, but the greater part is consumed on plantations and in Carnarvon. In the production of citrus, Carnarvon growers have a time advantage of at least three weeks, although part of the crop can be expected to meet competition from growers further south. The quality of mandarins and oranges is probably not adequate to ensure a ready market . . .

I disagree with the statement on mandarins and oranges. We produce a mandarin at Carnarvon which is superior in every way to the mandarin that is marketed in Perth. The Carnarvon mandarin is large, sweet, free from fibre, and has a tight, thin skin. It is an excellent keeping variety, and I am certain it would be well received on the Perth market.

The Carnarvon orange is of excellent quality, but its colour would not meet with the requirements of the Perth market. It does not have the golden orange colour of the orange which is produced in the fruit-growing areas of the southern part of the State. Nevertheless, this colour could easily be obtained by the use of gas. The sugar content and the flavour of the Carnarvon orange are exceptional. I will now continue to quote from this report—

> . . . but the exceptionally high quality of Carnarvon grapefruit, together with the seasonal advantage, suggests that a profitable market could be developed for this fruit.

That is quite correct; there was a big demand created on the Blue Funnel line boats which used to call at Carnarvon. In fact, the requirements of those boats were difficult to fulfil when they called into the port. I might mention here that there is a big market in France for citrus, and I believe that the Victorian citrus growers cannot keep up with the demand which they have created. The report continues—

> As with avocado, mango, egg fruit and paw paw, however, a pre-requisite would be the creation of consumer demand. At present these and other tropical and semi-tropical fruits which can be successfully grown at Carnarvon, are unknown to the majority of Perth consumers. A small market for fresh pineapples already exists, and appears to warrant further research to overcome the problem of sunscorch.
>
> An opportunity also exists for the commercial and mechanized production of dates.

This is a product which no other part of Australia produces. Continuing—

> Date palms are grown in windbreaks on a number of properties but dates are not marketed from the area. Australia provides a potential market for about 4,000 tons valued at £270,000 per annum, and this quantity could be produced from about 1,000 acres.

That would be a very good supplementary line which planters could produce quite economically, because dates grow on saline water and require very little cultivation. The reason they have not been grown up to the present time is that other crops are produced more readily and profitably on the quantity of water available. Other products that are grown successfully are rhubarb, sweet corn, strawberries, and onions.

The growing of onions has a great potential, and there is a good local market for them. Onions have been grown commercially in Carnarvon in the past, but because other crops have been easier to grow and more profitable to produce, onion growing has not become very popular. However, with more water available onion growing could be developed in a big way.

It is surprising to read in this report the quantity of onions that is imported into this State each year, and the number of months over which the importations are spread. Reading from table 16 of the report, at page 38, in 1961-62 a total of 860 tons of onions was imported into Western Australia. The following are the quantities of onions that were imported for each month of that year:—

1961	Tons
July	152
August	249
September	110
October	211
November	33
December	—
1962	
January	4
February	18
March	—
April	3
May	30
June	48

So in respect of onions there is quite a healthy little industry to be picked up in out-of-season produce. Peanuts have also been grown successfully, but these again have not the profit value that other vegetables and fruit have. Peanuts have produced an average of 15cwt. per acre, which is well in line with some of the best production figures in other parts of Australia.

The cotton industry is really something that could make Carnarvon hit the headlines. Cotton has been grown in a small way at Carnarvon over many years; it is grown in backyards, and so on. It grows on very saline water which, of course means that high quality water is not required to grow it. Experiments were carried out by the research station in the late 1940's, but for some unknown reason no record was kept of those experiments.

When a person advocates the commencement of a new industry in a particular area it is necessary for that person to support his argument by showing that sufficient markets exist for the product in question. I have gone to the trouble of extracting from the Commonwealth *Year Book* figures for the production and consumption of cotton in Australia during the past five years. These figures are as follows:—

Year	Area Sown acres	Unginned lb.	Yeild per Acre lb.
1958-59	10,403	4,004,000	384
1959-60	20,229	9,463,000	413
1960-61	37,048	15,544,000	417
1961-62	28,844	10,948,000	380
1962-63	37,689	15,762,000	418

I give below the figures relating to the imports of raw cotton into Australia. They are as follows:—

Year	Raw Cotton Imports lb.
1958-59	43,984,000
1959-60	41,519,000
1960-61	41,842,000
1961-62	37,735,000
1962-63	42,543,000

It can be seen therefore that over and above the cotton produced in the country we have a terrific import quota to meet the industry's requirements. Apart from that, the value of cotton and linen piece goods imported into Australia amounted to £A37,923,000. If we could produce cotton to help meet the Australian demand, we could assist in offsetting the trade deficit which has existed over the last few years.

There was a very interesting comment in *The West Australian* of the 16th August by one of the cotton growers at Kununurra who comes from the New South Wales cotton district. What he says in the article is very significant, because New South Wales is the biggest producer of cotton in Australia at the present moment; though, as I have shown, its yield per acre is comparatively small compared with what we expect in Western Australia. The article reads—

> I spoke to one farmer about the high yields at Narrabri in N.S.W., where the average cotton yield this year exceeds that on the Ord River.

It certainly was high this year—

> His face lit up and his eyes twinkled with the challenge. "We come from over that way," he said. "They have had a wonderful crop, and good luck to them.
>
> "We came here because this is the best cotton-growing area in Australia. We will get more consistent yields.
>
> "Narrabri will have spectacular years, and then not-so-good years, because of the climate.
>
> "Come back in five years and then average out the yields of the years."

Mr. Rhatigan: A pretty good judge, that bloke.

Mr. NORTON: I would say so. Here we have it right from the horse's mouth, as it were, that the yields from the Eastern States are low. I have already shown

this to be the case. At page 50 of the report of Messrs. Parker & Nalson we find the following notation:—

> Trials conducted at the Kimberley Research Station have shown that average yields of 2,200 lb. of seed cotton per acre can be obtained from irrigated crops on the Ord River. From this it can be inferred that the average commercial yield could initially be of the order of 1,450 lb. per acre.

There is a footnote on that page which says that in calculating the yield per acre under commercial growing, as against experimental growing, it is a known fact that two-thirds of the experimental yield should be that which is produced by the commercial crop.

Recently I asked questions in respect of the cotton grown this year at the Gascoyne Research Station. The results there are really astounding. I think they have amazed most agriculturists who had anything to do with cotton growing; because when we go through the lists of the yields supplied by the Minister, we find they are extraordinarily high; probably some of the highest that have ever been recorded. The calculated yields under experimental conditions at the Gascoyne Research Station were as follows:—

Type of cotton.	Yield per acre.
Rex	4,807 lb.

I would interpolate here and say that Rex is a type of cotton grown extensively in Kununurra.

Type of Cotton	Yield Per Acre lb.
Delta Pine SL	4,521
Dunn 7	4,333
Acala 4-42	4,286
Empire 289	4,178
Acala 1517	3,747
Pima S.2	2,979
Pima S.1	2,390

The Pima S.2 variety is the long, staple, premium cotton which everyone seeks to grow. Under farm conditions we find that the Delta variety should yield at least 3,204 lb. per acre at Carnarvon, which is an exceptional yield, and could be a very profitable crop.

The main requirements of cotton growing are three in number—climate, soil, and water. In respect of climate, the report states on page 51 as follows:—

> Prospects for Cotton Growing at Carnarvon
>
> The minimum environmental requirements for irrigated cotton are a frost-free period of 180 to 200 days; dry harvesting weather; soil temperatures of at least 63° F. during germination, and temperatures preferably between 80° F. and 90° F. during flowering and fruiting. Higher temperatures need not be a disadvantage, and an arid climate is conducive to fibre quality, providing there is adequate water control. For irrigated cotton a low rainfall can be an advantage in that drainage and cultivation problems are minimised, and weeds, pests and diseases are less damaging and easier to control. Cotton is normally grown on a heavy textured soil able to withstand repeated tillage, but a crop rotation or pasture phase is likely to be necessary as a means of weed control and of maintaining fertility and structure.
>
> The climatic regime at Carnarvon appears to be well suited to the production of high quality irrigated cotton as either a summer or winter crop. The range in climate between Carnarvon, on the coast, and Gascoyne Junction, located 100 miles inland, is shown in Table 18. The average rainfall on the coast is 9.0 inches, but falls can be as low as two inches in any one year. Winters are extremely mild and summers hot with an average annual relative humidity of 63 per cent.

That points out clearly that the climate there is very suitable for the growing of cotton. On page 53 of the same report is a reference to the fact that the climatic conditions of that region are not unlike those experienced in California, Texas, and Egypt, where very high yields are obtained under irrigation.

I have extracted figures from the Western Australian *Year Book* showing the average number of wet days in the months of January, February, March, April, and May. They show that Carnarvon's climate is suitable for the growing of cotton, particularly during the flowering and maturing stages. The following table gives detailed figures of the wet days and the average rainfall:—

	Average Rainfall Points	Average Number of Wet Days
January	41	2
February	70	2
March	66	2
April	64	2
May	149	5

In the month of May we are, more or less, getting into the winter rains.

If we compare the rainfall figures in that area with those of Kununurra we will find that the climate of Carnarvon is far more suited to the harvesting of cotton than is the climate of Kununurra. The harvesting of cotton must take place during dry weather. If humid weather or rain is experienced there will be a deterioration in the quality of the cotton; and excessive rainfall causes boll rot, which reduces the harvest considerably.

The labour costs which apply at Carnarvon could prove to be a very satisfactory factor in the production of cotton. Compared with the wages paid in the north, they are very reasonable. The rate at Carnarvon is only about 50 per cent. of the rate which is paid further north. Regarding production costs, I refer to page 53 of the report where the figures are set out very clearly. The report states—

> Production Costs
>
> As detailed cotton experiments have not been conducted at Carnarvon it is possible only to predict the yields and practices which might obtain under conditions of commercial production. There appears to be no reason why yields should not equal those anticipated on the Ord River, however, and Carnarvon could enjoy certain cost advantages over the Kimberleys.
>
> A major problem already encountered in the Kimberleys is the shortage of farm labour and its high cost. At Carnarvon the more favourable climate and the existing nucleus of irrigated agriculture suggests that the problem would be far less acute. For at least four months during the summer an experienced labour force could be recruited from planters, share-farmers, farm families, casual workers and itinerant workers who are at present engaged in the plantation area only during the market gardening season which extends from March until December. The wage normally paid to casual workers for picking, packing or beanstick pulling, at present, is £3 per day. For a working day of nine hours this represents 6s. 6d. per hour, compared with 14s. per hour estimated as the likely cost of seasonal labour employed in the Kimberleys.

Mr. Rhatigan: At least we pay the workers well in the Kimberleys.

Mr. NORTON: To continue with the report—

> Carnarvon could be expected also to enjoy a locational advantage, vis-a-vis the Kimberleys, by virtue of its regular road transport service to Perth and its shorter shipping haul. The 26 per cent freight advantage which Carnarvon enjoys for cargo shipped to and from Fremantle would substantially reduce production costs and, in the case of raw cotton shipped to Melbourne, freight from Carnarvon would be of the order of 1.366d. per lb. of seed cotton, compared with 1.496d. per lb. for consignments from Wyndham.

Mr. Ross Hutchinson: You should not build a case by knocking the Kimberleys.

Mr. NORTON: I am building a case for the Gascoyne. I am not trying to knock the Kimberleys in any way. I am showing that the Gascoyne is on exactly the same, if not a better, footing.

Mr. Tonkin: It is the duty of a member to make a proper comparison, and that is all the honourable member is doing. He is not knocking anybody.

Mr. Ross Hutchinson: He should not rest his case on that.

Mr. NORTON: To continue with the report—

> Other economies which can be expected at Carnarvon arise from the natural environment. The arid climate permits good water and weed control and, together with the medium textured soils, is conducive to dependable machinery operation. The dry climate should allow an adequate spread of harvest, although in this regard the Ord River has an advantage of five consecutive months during which the average rainfall does not exceed 25 points. The absence of natural host plants and the arid climate are likely to facilitate pest control and to call for a substantially lower expenditure on insecticides and their application than the amount of £14 per acre which is considered necessary on the Ord River.

In the question I asked the Minister I dealt with weed control, the amount of water required, and pest control. In the answer in respect of pest control the Minister said—

> Several known pests were recorded but there was no difficulty in obtaining effective control.

I would like to say that we had exactly the same pests as were prevalent in Kununurra. They were not there in large quantities, but, nevertheless, they were there; and the greatest difficulty in insect control was with the red spider, which is quite simple to control in comparison with other pests.

Carnarvon has the advantage of an arid climate which does not lead to the breeding of various insects found in surrounding areas. Where there is a climate that produces heavy weed growth, the whole area has to be sprayed to control the pests. Pests at Carnarvon can be controlled by normal spraying on the ground without any excessive external spraying.

In my question I also asked what the estimated costs were in regard to weed control, and I was informed that the cost was not known. I think it is extraordinary that certain costs are not kept in relation to experiments which are being carried out.

With regard to water, the answer gave me quite a surprise, because I found that the total amount of water required to grow cotton was three feet per acre, where it is normally expected that in the growing of cotton under irrigation, it will require at least six feet.

It can be seen that cotton can be quite an economic crop to be grown at Carnarvon and one which would help to

warrant the construction of a dam. Regarding the availability of land, there is an area of at least 3,200 acres in the plantation area which is eminently suitable for cotton growing. It is high-grade land which is not being used for any purpose whatsoever at the present time.

The C.S.I.R.O. has carried out a small survey—I say small, having regard to the size of the area—of 60,000 acres of land between Rocky Pool and the plantation over a distance of about 25 miles. Out of 60,000 acres surveyed, 25,500 acres were found to be suitable for cotton. That gives us a total of 28,000 acres, but there is the land which I mentioned before. I refer to the 250,000 acres which are in and around Carnarvon and which have the same soil types and same climatic conditions. This land has not been taken into consideration with the other surveys.

There is no fear that the soil in and around Carnarvon will break down under intense culture. It has been proved over the years—up to a period of 16 years—that bananas under very heavy irrigation and very heavy cropping have lasted for a total of 16 years before they were removed, and this only because the plants had grown one into the other and were not practicable to grow any longer.

With regard to water, there are several sites which could be dammed. There is Rocky Pool, which is only 25 miles from the plantation area. This would have a holding capacity of 32,000 acre feet and would be more than the amount required for the plantation area. It would allow for the development of cotton under experimental farm conditions.

I understand from the report that the cost of this dam, with radial gates and pump, would be £1,500,000 and an extra £1,000,000 for irrigation drains. The Kennedy Range site, which is at the junction of the Gascoyne and Lyons rivers, has a holding area of 70 square miles and could develop a cotton-growing industry and stabilise the banana and vegetable industries in Carnarvon for many years. It is something well worth doing and would be a great advancement in respect of irrigation.

In conclusion I would say the industry must not be stabilised at its present production. It must be developed to retain its present markets in Western Australia and South Australia. This being the case, it must be conceded that the construction of a dam is essential and urgent; and to take full advantage of a dam, an expansion of intense agriculture must take place with the growing of such crops as I outlined earlier.

Debate adjourned, on motion by Mr. Court (Minister for the North-West).

MINING ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Bovell (Minister for Lands), read a first time.

WESTERN AUSTRALIAN MARINE ACT

Disallowance of Regulation 102: Motion

MR. FLETCHER (Fremantle) [8.18 p.m.]: I move—

> That new regulation 102, made under the Marine Act, 1948-1962, published in the *Government Gazette* (No. 29) of the 23rd March, 1965, and laid upon the Table of the House on the 3rd August, 1965, be and is hereby disallowed.

It is not only my personal wish to see this regulation disallowed; I have also moved this motion on behalf of quite a number of people in the electorate of Fremantle, as the disallowance of the regulation will be in the best interests of those people and of Western Australia as a whole. I have not moved this motion for political reasons, but because of the united opposition, not only by those on this side of the House, but at all levels within the trade union movement, and professional marine organisations.

As a consequence of my own seagoing experience, I consider the regulation to be dangerous. I also think it dangerous as a consequence of my association with the port and with those people who live and work there. Later I will show that I did not initiate this motion. It came from another source mentioned. I am glad I have caught the attention of the appropriate Minister. I did not convene the meetings of opposition to the regulation, minutes of which I will read later.

Mr. Ross Hutchinson: I have been listening very carefully all the time.

Mr. FLETCHER: Very good. I will also read correspondence. The regulation complained of sounds like a lot of legal gobbledy-gook, but I would ask the House to listen to this dangerous regulation. It reads as follows:—

> The Department may, by notice in writing, for the purpose of facilitating the carrying out of works, including dredging, in, or in connection with, a port or for any other purpose, from time to time, exempt from compliance with any of the provisions of the Act or of these regulations a person or vessel or class of person or class of vessel, either generally or in particular circumstances, localities, and cases or for particular purposes, unconditionally,—

I repeat, "unconditionally"—

> or subject to such conditions as the Department thinks proper to impose; and the Department may, in like manner, at any time, cancel any such exemption wholly or in part, and cancel, and from time to time waive, add to, and otherwise vary the conditions of such an exemption.

In effect this regulation makes it possible to tear up the Marine Act and all it stands for. I have read through the Act and noticed various parts upon which this regulation impinges to the detriment, as I have said, of those associated with the sea. For instance, section 9 reads—

> The department . . .
>
> (a) shall cause examinations to be held as provided by Part III of this Act of persons desirous of receiving certificates of competency as masters, mates, engineers, marine motor engine-drivers of ships and coxswains . . .

The waiving of the Act could place inexperienced men on board ships and experienced men ashore. Very naturally those whose livelihood is associated with the sea are concerned with the regulation which could achieve that. Another provision affected is section 8 subsection (2) (a) which reads—

> Any provisions of this Act applying to steamships shall apply to ships propelled by electricity, motor or other mechanical power.

Members can see the dragnet nature of this regulation. Other provisions which I have noted include section 17 (viii) which reads—

> the survey of ships and vessels by engineer surveyors and ship surveyors, for fixing and appointing the time, places and manner of making surveys, for fixing the fees, travelling or other expenses to be paid in respect of surveys, and for determining the persons by whom and the conditions under which payments shall be made;

Under regulation 102 that provision could be exempted. There are many others to which I could refer, but I think I have shown the dangerous nature of this regulation which, as I said earlier, can negate the purpose of the Act.

Mr. Ross Hutchinson: That principle is in other Acts, you know.

Mr. FLETCHER: I am aware of that; but with the forbearance of the House I will, for the purpose of expediting this matter, read correspondence, minutes, and other material I have which expresses opposition to this regulation.

I first received a copy of a letter from the Merchant Service Guild, addressed to the Manager of the Harbour and Light Department on the 30th April, 1965. It reads as follows:—

> Dear Sir,
>
> Regulation 102
>
> The above Regulation came to the notice of my Committee only this week. At a Special Meeting of the Committee held this morning I was directed to convey to you the Guild's alarm at Regulation 102 W.A. Marine Act, 1948 (Survey and Equipment) Regulations.
>
> The Guild's alarm is at the Department's power virtually to abolish the safety and manning regulations whenever the Department desires to do so.
>
> This makes possible the removal of vital safeguards that have been built up from the experience of experts over the years.
>
> We trust that this matter will be reconsidered and Regulation 102 rescinded.

That is the origin of the opposition to this regulation and a copy of that letter was sent to me by Mr. R. H. Featherstone, secretary of the guild. I replied to that on the 3rd May—very promptly members will realise—as follows:—

> Mr. R. H. Featherstone,
> Secretary,
> Merchant Service Guild of Australia,
> 11 Cliff Street,
> Fremantle.
>
> Dear Sir,
>
> Regulation 102
>
> I am in receipt of yours of April 30th with copy of correspondence on the above matter to Manager of Harbour and Light Department.
>
> Having read Regulation 102, I can understand the concern of your organisation and possibly others, including the Seamen's Union.
>
> If the reply from the Harbour and Light Department is considered unsatisfactory, then a deputation to the appropriate Minister could be considered by Guild members, Seamen's Union, and perhaps other representatives.
>
> I should be pleased, as Member for Fremantle, to request such a deputation, if requested in writing.

As a consequence the Minister received correspondence concerning a deputation which he was good enough to meet. The following letter was sent to me by the guild:—

> W.A. Marine Act—Reg. 102
>
> Confirming earlier advice, my Committee of Management, at a Special Meeting following a General Meeting of Guild members, unanimously carried the following resolution:
>
> > That an urgent approach be made to the Institute, the Seamen's Union and to Mr. Fletcher, M.L.A., to form a Committee to ensure the full provisions of the W.A. Marine Act and its Regulations (as operative prior to Reg. 102) be fully maintained by the Harbour and Light Department and owners and operators of ships on the W.A. coast: such Committee to consist of four persons,

comprising one representative, from each organisation and Mr. H. Fletcher, M.L.A. as Chairman: any one member of the Committee can require a meeting by requesting the Chairman to convene such a meeting.

I thank you for your letter of the 3rd inst., indicating your readiness to assist. Subsequent to my earlier letter, the enclosed reply has been received from the Harbour and Light Department.

A Guild representative, probably Capt. A. Bradshaw, will contact you again with view to an early meeting.

I hope this correspondence does not weary the House, but it is important correspondence from very important people in Western Australia. I will quote a letter from the Harbour and Light Department addressed to the Secretary of the Merchant Service Guild of Australia. It is as follows:—

Dear Sir,

I have to acknowledge yours of the 30th ultimo, in reference to Regulation 102 of the Survey and Equipment Regulations under the W.A. Marine Act.

You will note that regulation refers specifically to facilitating the carrying out of works including dredging in, or in connection with a port. This is intended to overcome the stoppage of work for annual slipping for survey.

This was the reply from the Manager of the Harbour and Light Department—and I interpolate here because this paragraph could be very important to certain people in Fremantle. I repeat—

This is intended to overcome the stoppage of work for annual slipping for survey.

That implies that strikes are associated with certain unions with this particular type of work. As I say, it is a provocative remark. To continue—

Your Guild can be assured that this Department does not intend to exempt craft from the regulations on voyages to and from the port. In point of fact with all the craft being delivered to Port Hedland and King Bay we are insisting on the survey and equipment regulations being adhered to, and that they are manned by qualified officers.

I regret that I cannot recommend to the Government that they rescind this regulation.

That appears definite enough, but the reassurances did not satisfy the Merchant Service Guild of Australia, or the Institute of Engineers, or the Seamen's Union of Australia. They still feel concerned that the regulation remains in existence and that it will negate the whole value of the Act and the protection it affords to those who go down to the sea in the ships, those who work on ships, and those associated with shipping generally.

I must read another letter to the House. This one was addressed to me at my home. I am reading these letters in sequence for the purpose of showing the historical background to the opposition to this regulation. The letter states—

Dear Sir,

New Ports on North-West Coast

My Committee of Management, at a recent meeting, directed me to write to you with reference to the new ports being constructed to serve industrial developments in the North-West.

As we understand the position, these ports are being developed by private companies holding iron ore and other leases. Immediate examples are the dredging and port construction being undertaken by the Utah Construction and Utah Dredging Co. at Port Hedland for Mt. Newman Iron Ore Co. and similar work at King Bay by Central Engineering Co. for Hamersley Iron Ore Pty. Ltd.

Further new ports may be developed by private interests in the North-West and possibly in the South-West and South coastal areas if present policies continue—

I interpolate again to point out that that is what these people are frightened of: that a precedent will be created. To continue—

The concern of my Committee and of our members is that these ports should be kept under the control of the Harbour and Light Dept. as to pilotage, port control, and other aspects affecting the safety of marine personnel, seagoing vessels and small craft.

These safeguards have been built up over years from the experience of seagoing and harbour personnel and all steps should be taken to ensure that the control of these harbours, including existing safety provisions, remains with the appropriate Dept., responsible through the elected Government to Parliament and the people.

That is what we are here for.

Mr. Ross Hutchinson: Who is the letter from?

Mr. FLETCHER: The letter came from the Merchant Service Guild of Australia. To continue—

We would ask your co-operation in ascertaining the Government intention in regard to these ports, with a view to ensuring that full control remains with the Harbour and Light Dept.

> My Committee appreciates the interest you have taken in other questions we have referred to you, and trusts that you will be able to look into this vital matter at an early date.

That letter is signed by Mr. Featherstone. That is how I became involved. I will not read the whole of the letter I wrote in reply to Mr. Featherstone. The letter is dated the 28th May—I might mention in passing that that is my birthday—and it commences—

> Dear Sir,
>
> I acknowledge receipt of yours of 24th May, 1965, relevant to new ports on North-West coast to be established by and on behalf of overseas business interests intending to exploit iron ore and other resources in the area.

I think the word "exploited" was well chosen. To continue—

> I can appreciate the concern of your executive and members that supervision and control should remain with the Harbour and Light Department to ensure that there is not any relaxation of established standards and safeguards associated with these projects to the detriment of your Guild.
>
> You request my co-operation in ascertaining the present Government's intentions in these matters. If you wish me to write the appropriate Minister to obtain information, I shall be pleased to do so.

As a consequence of that, the Merchant Service Guild, and others, requested me to seek a deputation, which I subsequently did.

Let me briefly allude, without any desire to weary the House with the reading of long minutes, to a meeting which was held. The meeting was called by a committee which was set up, and it was held on the 12th May, 1965, in the Fremantle rooms of the Australian Institute of Marine and Power Engineers. I quote as follows:—

> This Committee was formed to examine the provisions of the proposed Regulation 102 of the Survey and Equipment Regulations made under the W.A. Marine Act No. 72 of 1948.
>
> The Regulation was published in *Government Gazette* No. 29 of 1965 on 23rd March, 1965.
>
> The inaugural meeting of the Committee was held at 1100 hours on Wednesday, 12th May, 1965 in the Fremantle rooms of the Australian Institute of Marine & Power Engineers, and present were the constituent members, represented by:—
>
> Mr. H. Fletcher, M.L.A., Chairman.
>
> Mr. R. Boulton, Aust. Inst. M. & P. Engineers.
>
> Mr. D. Dans, Seamen's Union of Australia.
>
> Capt. A. G. Bradshaw, Merchant Service Guild.
>
> and by invitation, Mr. J. T. Tonkin, M.L.A.
>
> It was agreed that the intention of the Special Committee was to suggest measures whereby the Harbour and Light Department could be restrained or prevented from implementing the provisions of Regulation 102, the terms of which were considered to give the Department unlimited and unwarranted Statutory powers to exempt ship-owners and ship-operators from the necessary compliance with safety and manning requirements of the Marine Act.

I read this to the House to show the concern of very responsible people in relation to the opposition to this regulation. To continue—

> Apart from the reprehensible terms of the Regulation, in their possible effect on the established administrative machinery to ensure the proper survey and manning of coasting vessels, Mr. Tonkin expressed doubt at its actual validity in law.
>
> In its import, the Regulation attempted to set aside the provisions of the Parliamentary Act under which the Regulations themselves were made.

At a subsequent meeting, on the 25th June, the same people were present, and I quote from the minutes of that meeting—

> It was agreed by the Committee that the steps already taken to restrain the Harbour and Light Department from operating the provisions of Regulation 102, appeared to have been successful, inasmuch as no instance had been reported of any exemption from compliance with the Marine Act.

However, I will not read any more of these minutes, but I will read other papers to show the concern felt by the very influential people in regard to the shipping industry. I will read them for the purpose of showing that those responsible people cannot be lightly fobbed off by asserting that the regulation will not do this and will not do that. I do not assert that the Minister will take advantage of it, but I do assert that some overseas shipping companies could, under the umbrella of that regulation, take advantage of the situation to the detriment of the people and the interests I have mentioned.

Mr. Ross Hutchinson: It is not an umbrella for all.

Mr. FLETCHER: It is not what the Minister or I think; it is what people think. That is why I have wearied the House by

reading correspondence; and, as a representative of the area my co-operation has been requested in order to seek a deputation so that certain interested parties could air their grievances to the Minister and to those unwilling listeners opposite.

Mr. Ross Hutchinson: Each case is considered on its merits, of course.

Mr. FLETCHER: However, I addressed a letter to the worried Minister requesting a deputation, and he replied that it was not necessary for a deputation in view of the intention of the Deputy Leader of the Opposition to attempt to amend the Marine Act, and because of my intention to move to disallow the regulation.

However, when I sent a reply to the interests concerned they requested me to approach the Minister further, which I did on the 11th August requesting him to reconsider his earlier decision. He was good enough to say that his door was open to us and we meet him tomorrow, by way of deputation, to express our concern. In the deputation will be many people whose names I have mentioned.

Mr. Ross Hutchinson: Who is coming?

Mr. FLETCHER: I will probably ring the Minister in the morning so that he can provide the necessary accommodation for those who will be present. I assume there will be a representative of the marine group of the Trades and Labor Council, a representative from the Seamen's Union, and one from the Institute of Power and Marine Engineers, and also a representative from the Merchant Service Guild. The deputation will be led by the member for the district; there will be only one parliamentary member.

Mr. Lewis: Who will that be?

Mr. FLETCHER: This regulation, having got in the hair of the people I mentioned, and caused them concern, subsequently had an effect on the trade union movement; including the Seamen's Union. Other bodies who are concerned about it —the Merchant Service Guild and the Institute of Power and Marine Engineers— are professional organisations.

Mr. Brand: How many in each group?

Mr. FLETCHER: Those in the trade union movement of Western Australia are used to having to fight for the maintenance and the betterment of their conditions, but on this occasion not only has the Government upset the trade union movement, with the introduction of this regulation, but it has also upset professional organisations who do not usually demonstrate their opposition in the way they have done in this instance.

Mr. Ross Hutchinson: I am afraid they are not looking very deeply into it.

Mr. FLETCHER: As I said earlier, with all due respect to the Minister it is not his opinion or my opinion. While this regulation remains in force in its existing form it will be a bone of contention between the people I have mentioned and the Government. I think I should read this regulation—

Mr. Brand: Don't read it again!

Mr. FLETCHER: The Premier says. "Don't bother"; but if we do not bother we might as well go home.

Mr. Brand: That would be a good idea.

Mr. FLETCHER: It is my job to put forward my opposition to the regulation; because not only do the people I have mentioned take exception to it but I do also.

Mr. Curran: If they agreed to get rid of regulation 102 we could all go home.

Mr. FLETCHER: On the 1st August, 1965, the Trades and Labor Council, marine transport group, convened a meeting in Fremantle to deal with this subject, and the council asked the representatives I have mentioned to attend. In this instance there was cohesion between the trade union movement and professional organisations in their opposition to the regulation. Some of the draft resolutions which were passed at that meeting appeared in the Press, I am glad to say, and I should like to read some paragraphs of these resolutions to the House—

> In order to achieve this purpose, the Government has negated the principle of democratic government so that by regulation and acting through the Harbour and Light Department it can set aside the provisions including safety provisions of the West Australian Marine Act and of any regulation made pursuant to that Act.

Paragraph (iii) reads—

> That any permit to trade issued to ships of other nations be conditional upon such ships fully complying with the marine laws of the Parliaments of the State of Western Australia or of the Commonwealth of Australia.

Paragraph (v) reads—

> That no ship, which is manned at a scale lesser than that laid down in the West Australian Marine Act or of the Commonwealth Navigation Act, or which ship's crew is paid at a lesser rate than that provided for in the relevant Industrial Award or Agreement shall be granted a permit to trade on the West Australian coast.

The final paragraph reads—

> This meeting determines to appoint a deputation to wait upon the responsible Minister . . .

As I said, the deputation arose out of that meeting, and I was requested to approach the Minister, and he has given an undertaking that he will meet us in regard to the matter. What I have read indicates the concern that people who are intimately associated with this industry

have about the regulation. They see a danger in it. I should now like to read some notes which I took at some of the discussions on this matter. I quote—

> The foreign flag ships currently working in West Australian waters are—
>
> (a) Tanais, 2,848 gross reg. tons.—Greek owned under Greek flag. Greek crew.
>
> (b) Lis Frellsen, 1.474 gross reg. tons. —Danish owned under Danish flag.
>
> (c) Slamet Sepulah, 499 gross reg. tons.—Norwegian owned under Norwegian flag.—Chinese.

No wonder the members of the Seamen's Union have their backs up about this question when they know that sort of thing is going on and foreign ships with foreign crews are working in Western Australian waters. Someone might take a point here and say, "What has that to do with regulation 102?" It has this to do with it: The standard of safety on ships of that type is very low. The attitude of the average person is, "So what if you kill a few Chinamen?"

Mr. Ross Hutchinson: Do you mean to say that a Norwegian certificate of seaworthiness, or a Norwegian survey is of a lower standard than an Australian survey?

Mr. FLETCHER: No; but I do submit that the standard of safety on ships which have been surveyed in ports other than Australian ports could be lower than the standard required here. It might be said that these ships were found to be A1 at Lloyds, or at Hong Kong, or some other remote port, but I ask members to listen to the names of some more of these ships—

> (d) Western Pueblo, 10.711 gross reg. tons. Owners not known. Believed to be U.S. Liberian Flag.

Mr. Curran: The flag of convenience.

Mr. FLETCHER: To continue—

> (e) Mariko (latest arrival trading to Exmouth Gulf.)

Mr. Curran: That flag is the skull and crossbones.

Mr. FLETCHER: That is the belief of the people in Fremantle who have an intimate knowledge of the standards of safety on these ships. Other notes which I have in this regard read as follows:—

> Ships do not need to comply with W.A. Marine Act having regard to Reg. 102.

That is my reply to the Minister's query. To continue—

> First two named ships under contract to Garrick Agnew trading as "Garnew Shipping" who is West Australian entrepreneur.

I mentioned that fact earlier and the Press quoted me as having said it. The notes go on—

> Without question, these ships are trading on freight terms far more favourable than the S.S. Service receives.

I draw the attention of the House to the leading article which appeared in this morning's issue of *The West Australian* on the subject, but I am not dealing with that aspect at the moment.

Mr. Court: What freight rates are they working on?

Mr. FLETCHER: I am not dealing with that aspect at the moment, but with the fact that these ships are breaking down the working conditions of seamen in ships operating along this coast, and regulation 102 makes it possible. Another note I have here reads as follows:—

> All of the crews of these ships are foreign nationals whose earnings are mostly spent abroad—unlike Australian crews who spend their money here.

Mr. Brand: And they have all the shipping tied up today.

Mr. FLETCHER: I ask the Premier not to interject if he does not want to delay the House.

Mr. Brand: I am sorry about that. I just wanted to point out that today there is plenty of work offering, but all the ships are tied up with no crews working on them.

Mr. FLETCHER: I am sure the Premier does not want to see our industrial conditions pulled down.

Mr. Brand: No; and while this Government has been in office they have been maintained and improved.

Mr. FLETCHER: This report continues—

> Recently the Western Pueblo lifted an 82 ton lift with a 70 ton capacity crane. You saw the result when it came to Fremantle to get the crane repaired.

Yet this ship was reported to be A1 by Lloyds. That crane which crashed is now bent like a hairpin and the accident could have killed some members of Australian crews; there could be orphans as a consequence of an accident such as that—which may not mean anything to members on the other side of the House, but which means a great deal to me. That accident to the crane was similar to that which occurred to a truck the other day when the driver was killed. No doubt he was someone's son or probably the parent of some child. That crane crash occurred as a result of the relaxation of standards set down under regulation 102. This regulation is likely to be breached by those who are engaged in dredging and shipping off our shores.

Whilst that regulation is in force there is always somebody looking for a loophole so that advantage can be taken of it to the detriment of the standards that have been maintained over many years.

Mr. Brand: I do not think that is fair or right. They are not looking for loopholes. Why should they?

Mr. FLETCHER: I have said in this House previously that the representatives of the Employers Federation lie awake at night thinking up ways and means that would be to the advantage of the Employers Federation and other things which would be to the detriment of the trade union movement. Fortunately, there are also men in the trade union movement, the Merchant Service Guild, the Institute of Marine and Power Engineers, and the Seamen's Union, who lie awake at night watching for such moves, and I commend the astuteness of the Merchant Service Guild in noticing this gazetted regulation and in requesting the member for Fremantle to see what he could do to have it drastically amended so that it will not impinge on the provisions in the Western Australian Marine Act to the detriment of the people I have already mentioned.

Mr. Bovell: What vessels did you refer to that did not employ watchmen?

Mr. FLETCHER: Apparently the Minister for Lands does not like my speeches. I have noticed, when correcting previous speeches of mine, that he has made various interjections which I have not heard, so I now suggest that he take one of his expensive cigars outside the Chamber and have a smoke.

Mr. Brand: They are Cabinet cigars.

Mr. FLETCHER: I did not catch that interjection.

Mr. Bovell: I know more about the waterfront than you do. The interjection that I made was: What vessels did you refer to that do not employ watchmen? You referred to the *Lis Frellsen* a few moments ago, and I want to know on what nights watchmen are not employed on that ship.

Mr. FLETCHER: I am not going to go back over that ground.

Mr. Bovell: I know; because you are aware that I have floored you.

Mr. FLETCHER: I will take up the time of the House if the Minister continues to bait me. I have already read out the names of the ships that do not employ watchmen.

Mr. Bovell: And among them was the *Lis Frellsen;* and your information and statement are incorrect, because I know more about it than you do.

Mr. FLETCHER: I have here the names of the men who were members of the union covering ships' watchmen.

Mr. Bovell: I know that the *Lis Frellsen* goes to Busselton, and I know the conditions under which the cargo is loaded.

Mr. FLETCHER: I know what happened when the vessel was in Fremantle.

Mr. Bovell: As a matter of fact, the vessel is going into Busselton in the morning.

Mr. FLETCHER: The Minister is making more of this speech than I am.

Mr. Bovell: Yes; because I know more about the position.

The ACTING SPEAKER (Mr. Mitchell): Order! The member for Fremantle will continue.

Mr. FLETCHER: Thank you, Mr. Acting Speaker. I also wish to thank the member for Avon for assisting me to find my place and the names of the ships. He is assisting me to push the noisy scrub bird off its perch.

Mr. Bovell: Your remarks are offensive, you know! If I were prepared to be rude I could mention what other members refer to you as, but I would not do that.

Mr. FLETCHER: I withdraw the comment about the noisy scrub bird.

Mr. Bovell: Yes, because it is most offensive, Mr. Acting Speaker (Mr. Mitchell), and if I adopted the same attitude I could show the honourable member up in a manner he would not appreciate, because members refer to him in terms that I am sure he would not like.

The ACTING SPEAKER (Mr. Mitchell): The member for Fremantle will continue to address the Chair.

Mr. FLETCHER: Very well, Mr. Acting Speaker. I referred to four or five foreign-flag ships that are currently working in Western Australian waters, among which were the *Tanais* of 2,848 tons; the *Lis Frellsen* of 1,474 tons; the *Slamet Sepulah* of 499 tons; and the *Mariko*. I happen to know the union official concerned. He is in the Trades Hall, which I visit every day, and he assures me that he had difficulty in getting watchmen employed aboard these ships in the port of Fremantle.

Mr. Bovell: Well, I am talking about the port of Busselton, where the *Lis Frellsen* is loaded.

Mr. FLETCHER: At any rate, I have a great deal more correspondence which I could make known to the House which sets out the position very clearly. The Minister for Works received the following letter from the committee I have mentioned:—

> The promulgation in March last of regulation 102 made under the Western Australian Marine Act, 1948-62, has caused our members very considerable concern owing to its wide

scope and possible detrimental effect and we were very pleased to see reported in *The West Australian*" that you "acknowledge that this regulation is too wide and propose having it redrafted."

We can appreciate that obstacles may arise in connection with port development programmes and in such circumstances certain provisions of the Western Australian Marine Act may prove a hindrance. However, we respectfully suggest that the way to provide for these contingencies is by a special enactment defining the circumstances and specifying the requisite provisions, rather than by conferring unlimited power upon the Harbour and Light Department to set the Act aside.

We trust that the above suggestion finds favour with you and hope to hear in due course that you are prepared to adopt it.

The Minister has received that letter. I have repeated, over and over again, the position that exists. That correspondence was sent following all the meetings that were held to discuss the matter. I have here various opinions expressing opposition to regulation 102 which I could quote indefinitely.

However the Minister will hear all about it tomorrow. In his correspondence the Minister has said to me that his door is always open, and I hope his mind is equally open and receptive to the suggestions and the propositions that will be put forward tomorrow by this deputation. I will leave it to those whom I am representing here tonight to express their concern in regard to this particular regulation.

In *The West Australian* of the 2nd June, 1965, we find the heading "Marine Act Regulation Challenged". I could read extracts from that to which I have already made reference, but I do not propose to do so. However, in *The West Australian* dated the 22nd June we find another heading, "Marine Law Regulation To Be Amended". I quote from the article of that date as follows:—

Works Minister Hutchinson will ask the Crown Law Department to draft a new Marine Act regulation to replace that criticised earlier this month by opposition deputy leader Tonkin.

The point I want to make is that it was not only criticised by that honourable gentleman; it was criticised by all the people I happen to have mentioned earlier.

I admit I did not expect the Government or the Minister to cave in easily, but he having said that the Marine Law Regulation would be amended, I did not anticipate it would be put on the Table of the House exactly in a form to which everybody has taken exception. As I have said, *The West Australian* of the 22nd June carried the heading "Marine Law Regulation To Be Amended," and I very naturally thought it would not be laid on the Table of the House as originally worded, as did those I represent.

Mr. Ross Hutchinson: If you do not know why it was put on the Table of the House you should.

Mr. FLETCHER: The *Votes and Proceedings* of the 4th August will reveal the nature of the question I asked the Minister for Works. I will not read it in its entirety; I will content myself with reading just the first portion of the question as follows:—

Did he or his officers seek the advice, opinions and/or co-operation of, for example, the Institute of Power and Marine Engineers, Merchant Service Guild or Seamen's Union prior to gazetting Marine Act Regulation No. 102—*Government Gazette* No. 29 of 23rd March, 1965?

The Minister gave me quite a nice long and polite answer, part of which reads: "(1) and (2) Advice was not sought from the organisations mentioned." I ask the Minister where he could have turned for better advice. The situation is ridiculous. The Crown Law Department, we are told in the Press of the date I have mentioned, was in the process of amending the legislation. Quite frankly I would not like a member of the Crown Law Department to be on the bridge of a ship, because he would know nothing about it; nor would he know anything about the regulation. I would not like a member of the Crown Law Department in the engineroom which is affected by this regulation.

By way of an example I would say that not requesting the advice and co-operation of these people who go down to the sea in ships, and expecting maritime knowledge of the officers of the Crown Law Department is tantamount to asking a medical opinion of a pastrycook.

I am not speaking in any derogatory manner of the Crown Law Department; I am merely pointing out that the one is inconsistent with the other. I suggest that had the Minister really wanted information he could have sought this co-operation which I have mentioned before bringing down a regulation of that nature which so drastically cuts across the marine Act.

Mr. Ross Hutchinson: It was meant to.

Mr. FLETCHER: I mentioned the matter of seeking medical advice from a pastrycook, and I say again that we would get better medical advice from a pastrycook than we would get maritime advice from the Crown Law Department. As I said earlier, I am used to defending the trade union movement and its conditions; but I am here tonight in the position of

defending, or attempting to defend—I am very pleased to say—the Merchant Service Guild, the Institute of Power and Marine Engineers, the Seamen's Union of Australia, and even those who clean and paint the ships.

I have correspondence from these people, but I will not weary the House with it tonight. I do, however, ask the Minister as a consequence of my endeavours tonight, and in view of the proposed deputation tomorrow, to give serious consideration to amending the regulation in question. I have asked in my motion that it be disallowed in its existing form. I ask that a new regulation be brought down after the Minister has sought the co-operation of the people whom it so vitally affects, and on whose behalf I have spoken here this evening.

Debate adjourned, on motion by Mr. Ross Hutchinson (Minister for Works).

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL (No. 2)

Second Reading

MR. TONKIN (Melville—Deputy Leader of the Opposition) [9.7 p.m.]: I move—

> That the Bill be now read a second time.

I propose to argue my case in connection with this Bill purely on the question of principle. The member for Fremantle has shown the effect of the regulation which has been promulgated under the section of the Act which I seek to delete. My argument, I repeat, will be directed completely to a question of principle.

I believe, and I may be naive in this, that when it is pointed out members will have no hesitation in agreeing to the proposal, and the Government can attempt to do what it wants in the proper way. I submit that the regulation which the Government has promulgated is a breach of faith with Parliament, because the regulation seeks to do something which Parliament was assured would not be done. I am amazed, because I was one of the members present at the time, that Parliament ever agreed to the amendment of the Act in 1952, which I am now proposing to have deleted. I repeat that I am absolutely amazed. I, myself, must have been asleep, and I take as much responsibility for the lapse as anybody else.

Mr. Ross Hutchinson: You spoke on that measure.

Mr. TONKIN: I know I did. The more I examine the position the more I marvel that somebody did not get up to point out what we were doing. Perhaps we were misled unwittingly by the Minister, now deceased, who introduced the amending Bill.

I quote from page 2589 of the 1952 *Hansard* when the then Chief Secretary had this to say during the second reading—

> This small but quite important Bill, and one which is in no way contentious . . .

He said that of a Bill which was designed to take out of the hands of Parliament the power to control the law, and to place it in the hands of the Executive; that is, to take us back to the time prior to Simon de Montfort. That Bill attacked the very supremacy of Parliament over the Executive, and provided that when it suited the Executive it could completely set aside the law.

No such power is given to the Commonwealth Government even in times of war. When a war precautions Act is passed, and regulations are made under it, those regulations do not allow the Commonwealth Parliament to permit the Executive to set aside the law. What such Acts do is to enable the executive, in certain circumstances when it is necessary to set aside the law; but the circumstances are set out and the Executive cannot go beyond them. I have yet to find an Act—either Commonwealth or State—which gives the Executive the power by regulation to set the law aside.

Before I leave the speech of the then Chief Secretary, let me prove the statement which I made when I commenced. It was never intended that the amending Bill should be used for the purpose for which the Government is now using it, and in so using it the law which was passed by Parliament was breached. The then Chief Secretary went on to say, on page 2590—

> It would seem to be wrong that people from Holland, which is a very friendly neighbour of the Old Country, should be regarded as aliens, but the Dutch people know our laws and realise that no affront is intended. In the circumstances it is proposed, by the Bill, to provide exemption for the masters—that is to say the masters and other officers—of the dredges to which I referred a little while ago while the vessels are operating in Cockburn Sound. It is not intended to exempt the vessels from the surveying requirements of the Act.

Could any statement be more definite? Yet the regulation which the Government has promulgated does just that. If we cannot rely upon the assurances given by Ministers when Bills are introduced, upon what can we rely? I repeat that in doing what it did, the Government has committed a very serious breach of the assurance given to this House when the amending Bill was passed.

Let us consider what is the procedure generally with regard to regulation-making power. Before I get on to that matter I should mention that the 1952 amending

Bill added to section 17 of the Act—which was the section giving power to make regulations. That section is as follows:—

> Subject to the provisions of this Act, the Governor may make regulations for—

Then it sets out a number of purposes. It is axiomatic when making regulations that they must be within the scope of the Act. They must be *intra vires* the Act; and any regulation, made under the regulation-making power of a law, which goes beyond the scope of the Act is invalid to the extent by which it exceeds the authority of the law. That is the basic principle.

The 1952 amendment to the regulation-making section of the Act is as follows:—

> Section seventeen of the principal Act is amended by adding the following paragraph—
>
> authorising the Department for the purpose of facilitating the carrying out of works, including dredging, in, or in connection with, a port, or for any other purpose, from time to time, to exempt
>
> from compliance with any of the provisions of this Act or of a rule, regulation or proclamation made pursuant to the provisions of this Act
>
> a person or vessel or class of person or class of vessel.

No power could be wider—to make a regulation for any purpose whatever to exempt any person or class of person, or any vessel or class of vessel from any or all of the provisions of the law. That was done despite the fact that section 6 of the Act provided as follows:—

> Subject to section five of this Act, the provisions of this Act bind the Crown.

I say the amending Bill was repugnant to the Act. It was intended, when the law was made, that it should bind the Crown; but then Parliament inserted a regulation-making power to allow the Crown to exempt itself. Could anything be more ridiculous?

Mr. Ross Hutchinson: You agreed to it.

Mr. TONKIN: Of course I did, and I take full responsibility for it, but that does not make the position right.

Mr. Fletcher: One cannot see around corners.

Mr. TONKIN: That does not make the position right. It does not excuse any member who calls himself a democrat. Even in times of war, when the country is in peril, the Commonwealth Parliament does not agree to that course; and I challenge the Minister or any other member to give me a single example where, in a democratic country, Parliament has given authority to the Executive to disregard completely the wishes of Parliament at its own whim and fancy. There is not a single example existent anywhere in the world, other than this one.

Mr. Ross Hutchinson: That is not true.

Mr. TONKIN: It is true. It is up to the Minister to produce an example; he should not just say it is not true. It is easy to do that, but it is harder to give an example. I have here—

Mr. Ross Hutchinson: You say, "whim and fancy."

Mr. TONKIN: That is right. At the whim and fancy of the Executive.

Mr. Ross Hutchinson: The Government does not act on a whim.

Mr. TONKIN: Oh, no! Not much!

Mr. Ross Hutchinson: In your imagination.

Mr. TONKIN: Do not let us get off on that sort of stuff; let us stick to the actual position.

Mr. Ross Hutchinson: In your dark imagination this might be so.

Mr. TONKIN: I have here numerous examples to prove what I have said about the Commonwealth. I do not propose to quote them all, as it would only weary the House. I will quote one, which is typical of at least a dozen which I have marked in this book, and which apply. I repeat: In time of war when the country is in dire peril, it is necessary that the Executive should have the power to set the requirements of the law aside in the national interest, but it is never given unlimited power such as has been given by this regulation.

Mr. Ross Hutchinson: What do you think of martial law?

Mr. TONKIN: Even with martial law it is not an unlimited power.

Mr. Ross Hutchinson: What a lot of rot!

Mr. TONKIN: The Minister should read up a bit. I propose to quote from the *Commonwealth Law Reports*, volume 69, 1944-45, page 430. It looks like the dictum of the Chief Justice (Sir John Latham) I am quoting, and he says—

> But, as we proceeded to say in the Man Power Case with reference to a provision in the National Security Act that the Governor-General might make such regulations as appear to him to be necessary for certain purposes—"A regulation, though complying in terms with the section as being necessary for defence purposes in the opinion of the Governor-General could nevertheless not be held to be valid if it was shown that the Governor-General could not reasonably be of opinion that the regulation was necessary or expedient for such purposes."

So the power given to the Governor-General to issue regulations for the defence of the country is not an unlimited power. It is circumscribed by the law; it is a restricted power—

Mr. Ross Hutchinson: This is done under the law.

Mr. TONKIN: —which must be exercised within the confines of the regulation which he makes; but the regulation which is made under this Act places no restriction whatever upon the Executive which can, for any purpose whatever, exempt any person whatever, and any vessel whatever from all of the provisions of the law.

Mr. Ross Hutchinson: Where this is necessary and expedient.

Mr. TONKIN: It is surprising the Minister should use those words, because they are the words I have just read out.

Mr. Ross Hutchinson: That is why I used them.

Mr. TONKIN: Is it? How is it that the Governor-General's power where necessary and expedient is a restricted power and the Minister's power unlimited?

Mr. Ross Hutchinson: We have sovereign powers in this State.

Mr. TONKIN: So has the Commonwealth got sovereign powers, but they can only be exercised within the limit of the law.

Mr. Ross Hutchinson: They are exercised with responsibility under our law.

Mr. TONKIN: Mr. Speaker, do I have to put up with this all night? So far as this State is concerned it knows no limit under this regulation. If anybody doubts it—and apparently the Minister does—let me read it again; and I quote from an extract from the *Government Gazette* No. 29 of the 23rd March, 1965, as follows:—

> WESTERN AUSTRALIAN MARINE ACT, 1948-1962.
>
> Harbour and Light Department,
> Fremantle, 10th March, 1965.
>
> HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Western Australian Marine Act, 1948-1962, has been pleased to make the regulations set out in the schedule hereunder.
>
> K. G. FORSYTH,
> Manager.
>
> Schedule.
>
> Regulations.
>
> 1. In these regulations, the Western Australian Marine Act, 1948 (Survey and Equipment) Regulations, as reprinted pursuant to the Reprinting of Regulations Act, 1954, including amendments up to the 27th June, 1952, and published in the *Government Gazette* on the 22nd October, 1958, and subsequently amended, are referred to as the principal regulations.
>
> 2. The principal regulations are amended by adding, after regulation 101, the following regulation:—
>
> 102. The Department may, by notice in writing, for the purpose of facilitating the carrying out of works, including dredging, in, or in connection with, a port or for any other purpose, from time to time, exempt from compliance with any of the provisions of the Act or of these regulations a person or vessel or class of person or class of vessel, either generally or in particular circumstances, localities, and cases or for particular purposes, unconditionally, or subject to such conditions as the Department thinks proper to impose; and the Department may, in like manner, at any time, cancel any such exemption wholly or in part, and cancel, and from time to time waive, add to, and otherwise vary the conditions of such an exemption.

If I understand the English language—and I think I do—that is a completely open cheque to the Executive to give a full exemption to any person or any vessel for any reason whatever from all of the provisions of the law; and, I repeat, that is a wider power than has ever been given to the Commonwealth Parliament in time of war. I say it is completely repugnant to an Act which starts off by saying, "The Crown shall be bound by this." All the Crown has to do is to use that regulation in its own interest and it is not bound at all. Parliament says in the law this shall bind the Crown. Let me read it again. Section 5, which is the exception, says—

> 5. The provisions of this Act shall not apply to ships of the King's Navy, including ships of the Navy of any British Dominion, British possession, member of the British Commonwealth of Nations, or to ships of the Navy of any foreign Government.
>
> 6. Subject to the provisions of section five of this Act,—

I have just read section 5—

> the provisions of this Act bind the Crown.

Having said that, we have an addition to the Act to give the Crown a regulation-making power which can exempt it from all of the provisions of the law. How on earth can this bind the Crown if we allow the Crown to exempt itself out of it by a regulation?

Mr. Fletcher: You have the tail wagging the dog.

Mr. TONKIN: I repeat: I do not know another example of that; and when this was brought to my attention I was unaware of the 1952 amendment because I

asked for a copy of the Marine Act—and this is it—and it stops at No. 17 in section 17. There is no No. 18 at all. So my Act was not up to date. I rang the Crown Law Department and said, "Would you be good enough to tell me whether anywhere in the Statutes I can find the power to make a regulation to set the Act aside?" I do not want to put the gentleman in who was on the other end of the line, but he said, "No such power exists." I said, "That is what I thought, but I wanted to be sure." Then subsequently we found out Parliament itself gave the power in 1952 on the assurance that it was only to be used in order to enable aliens to obtain a certificate if they were operating ships in our waters.

The Western Australian Marine Act provides that no master's certificate or officer's certificate can be granted to ships operating intrastate to other than British subjects. That provision is also found in the merchant shipping Act, under which they operate in Great Britain, and a similar provision is contained in the Navigation Act which deals with ships operating interstate.

At the time, we had the necessity to dredge some channels in the Parmelia and Success Banks for the oil refinery, and a Dutch firm obtained the contract. Naturally they had Dutch masters and Dutch officers, and under our marine Act they could not operate because they could not get a certificate. Our Act forbade their getting a certificate.

In order that they might obtain a certificate—and for no other purpose—this amendment was introduced; and under it the Government had the power to make a regulation which could exempt these foreign masters from the necessity of having this certificate. In asking Parliament to grant that power, the Minister said, as I have read, that they would not be exempted from the survey requirements of the law; but the Government, under the regulation it has promulgated, is doing just that. It is exempting them from the survey requirements of the law, and saying that the sighting of a survey certificate from some other place meets the requirements. Parliament did not say that.

Let us see whether any member of Parliament in a democracy can continue to allow to exist the situation which I have explained. The Premier cannot. He proves himself a hypocrite if he does, because I propose to read his own remarks from his article in the political notes in the Press of the 29th July this year, as follows:—

> It is worth remembering, especially at this time in our history, that when the influence of Parliament is diminished in any way or for any reason, the first casualty is the freedom of the people.

Now that is worth reading a second time. I agree absolutely with it. It reads—

> It is worth remembering, especially at this time in our history, that when the influence of Parliament is diminished in any way or for any reason, the first casualty is the freedom of the people.

This section in the law takes away from Parliament the control of the situation which it intended to assume when it passed this law. The law provides for the surveying of ships to ensure their safety. The navigation Act cannot apply. If any Commonwealth officer tried to go aboard one of these ships trading intrastate, he would be ordered off, as has already happened. I was told of one instance when one of these vessels came here and it had some ordinary glass in a position where, if the vessel shipped a sea, the glass would be broken and the ship might founder. The officer had no power to order armourplated glass because of the regulation, combined with the fact that the navigation Act did not apply. No-one had any power to order the replacement of the glass, because the ship had been granted exemption from all the requirements of the law.

Is that not taking away from a democratic Parliament its power? If Parliament starts out and says the provisions of the law shall bind the Crown, is it not taking away the authority of Parliament when the Executive can make a regulation to say that it will not? It will neither bind the Crown nor anyone else.

Mr. Ross Hutchinson: Parliament gave the regulation-making power.

Mr. TONKIN: I know. That is what I am complaining about. I ask Parliament, now that it realises its mistake, to reverse the position. If it does not this will remain as an eternal blot on this Parliament. Let us now give attention to the following extract from the Bill of Rights 1869:—

> The pretended power of suspending laws by Regal authority without the consent of Parliament is illegal.

If this had been attempted without the consent of Parliament there would be no question about it.

Mr. Ross Hutchinson: Quite right.

Mr. TONKIN: It would have been illegal. It is not illegal now because Parliament foolishly at the time, and without proper thought, put this power into the hands of the Executive—a power which should never be in its hands and should never be in a true democracy.

Mr. Ross Hutchinson: This power is not being used irresponsibly.

Mr. TONKIN: Yes it is, and contrary to the undertaking given to Parliament.

Mr. Ross Hutchinson: It is operating under the law.

Mr. TONKIN: It is being used contrary to the undertaking given to Parliament, and the Minister knows it.

Mr. Ross Hutchinson: I do not know anything of the sort.

Mr. TONKIN: You don't? Let me refresh your memory.

Mr. Ross Hutchinson: You are quoting something the Minister said at the time and—

Mr. TONKIN: You need not take any notice of what Ministers say. Is that what are you saying?

Mr. Ross Hutchinson: No, no, no!

The SPEAKER (Mr. Hearman): Order! The Deputy Leader of the Opposition should address the Chair.

Mr. TONKIN: I suggest, with all respect, that I would continue to address the Chair if I could, and your admonition might, with more benefit, be addressed to the Minister.

The SPEAKER (Mr. Hearman): I cannot ask the Minister to address the Chair, and what I said was not intended as an admonition. It was merely a suggestion.

Mr. TONKIN: And one I have no hesitation in following, if I am permitted to do so. Apparently the Minister wanted to try to find some way out, and to me it is an irresponsible way because it is suggesting that it does not matter what Ministers say when they introduce Bills, we can disregard it. If that is the situation it is as well we should know it and we can shape our future course accordingly. However, I was in the Parliament when the Minister said this, and I believed him.

Mr. Ross Hutchinson: You didn't remember it. You had to look it up.

The SPEAKER (Mr. Hearman): Order!

Mr. TONKIN: I believed him because if I had not believed him I would have told him so, as I never hesitate to do here. On page 2590 of Vol. 3 of *Hansard* in 1952, the Minister said—

> In the circumstances it is proposed, by the Bill, to provide exemption for the masters—that is to say the masters and other officers—of the dredges to which I referred a little while ago while the vessels are operating in Cockburn Sound. It is not intended to exempt the vessels from the surveying requirements of the Act.

It is not intended. Could anything be more definite than that? The Minister had no need to mention it; and if he had not, I could not now be in the position of raising the matter. However, the Minister, without any prompting, and of his own volition, informed the House that the purpose of this amendment was not to exempt any person or vessel from the surveying requirements of the Act. The Minister knows full well that under this amendment he has issued a regulation which allows him to exempt ships from the survey requirements of the Act.

Mr. Ross Hutchinson: Quite legally.

Mr. TONKIN: That is the true position, and it is a complete abrogation of an undertaking given to Parliament; and that leads me to this position: Are we to completely ignore or disregard undertakings given by Ministers when introducing Bills? Are we to regard what they say as mere verbiage of no importance and no consequence? Or are we, as representatives of the people, entitled to rely upon what we are told in good faith?

Mr. Ross Hutchinson: You have not taken my word before.

Mr. TONKIN: I would like that question answered; because if we are not, and if the situation is to be as the Minister for Works is now implying, that it matters little what a Minister says when he is introducing a Bill, then so long as we understand each other we know the low level to which we have to sink. It is not a level to which I want to sink. It is not much good the Minister muttering "No" under his breath.

Mr. Ross Hutchinson: I am not muttering.

Mr. TONKIN: If the Minister has an example to show that I have ever done during my period in this House, what I suggest is not a reasonable thing to do, he should come out with it.

Mr. Ross Hutchinson: You have been unreasonable on many occasions in this House.

The SPEAKER (Mr. Hearman): Order!

Mr. TONKIN: I am not complaining about being unreasonable in this matter; I am complaining about being truthful.

Mr. Ross Hutchinson: And untruthful.

The SPEAKER (Mr. Hearman): Order!

Mr. TONKIN: I have not been untruthful.

Mr. Ross Hutchinson: Yes you have.

The SPEAKER (Mr. Hearman): Order!

Mr. TONKIN: No, I have not; and neither the Minister nor anyone else can prove otherwise.

Mr. Ross Hutchinson: It could be proved.

Mr. TONKIN: No, it cannot.

The SPEAKER (Mr. Hearman): Order! The interjections must cease. I do not think they have greatly interfered with the speech of the Deputy Leader of the Opposition, but the honourable member who has the floor must have the protection of the Chair. I do not want to speak again. The Deputy Leader of the Opposition.

Mr. TONKIN: Thank you, Mr. Speaker. Now the situation is one which nobody who calls himself a democrat should

tolerate. If the Minister feels he has got need to make some special provision for those ships with foreign crews which are operating here, he should not do it by setting the Act aside. He should introduce a special Bill for the purpose so that Parliament can determine the scope of the exemption to be granted and know what it is for.

I daresay Parliament would not hesitate, under the circumstances, to realise the special conditions and make special provisions, the same as were made under the War Precautions Act and the National Security Regulations. However, the power should be defined and limited so that if further power is required the Government can come back to Parliament and state that it has insufficient power to meet the circumstances—those special circumstances. It would then recommend that the Act be amended accordingly and the power extended. The power would then be defined. As the regulation stands, it would be impossible for anyone to take any action whatever against the master of a vessel who disregarded the requirements of the law. All he would have to plead is that he had been granted exemption from the law under a regulation. He need not provide proper drinking water for his men. The Act says he must, and it gives the men the right to complain if they do not get proper drinking water. However, if the ship is exempted from that requirement, the master is under no obligation to provide such proper drinking water; and, if he was sued in the court, the action would fail because all he would need to plead was that the Government had exempted him from the law. What a state of affairs that is! I repeat: It would not be tolerated in any democratic country.

I suggest to the Government that it should agree to the Bill, which only seeks to delete that power which is repugnant to the Act, and which should never have been put in the Act. The Government should deal with a special situation, when it arises, by a special enactment.

I listened with great interest to the Premier when he attended a little function to commemorate the establishment of the first Parliament. On the back of some notes which were handed to me that day I scribbled a few of the Premier's utterances so that I could quote them back to him. There is nothing unfair about that; they were said in public.

Mr. Brand: It was ever thus!

Mr. TONKIN: They were said in public.

Mr. Brand: Yes; let us hear them.

Mr. TONKIN: The Premier will have to support by Bill, otherwise he will prove a hyprocrite.

Mr. Brand: In your opinion.

Mr. TONKIN: I would say, in the mind of any fairminded person. Let us see.

Mr. Brand: Yes, let us see.

Mr. TONKIN: Mr. Brand said, "The great democratic institution of Parliament." Now, it is implied in that that the Parliament in a democracy is supreme and has control of the Executive. But this amendment put the Executive in control of Parliament. That is not just my opinion.

Mr. Brand: Why is it so obvious now when it was not obvious when discussed here?

Mr. TONKIN: I have asked myself that question a dozen times.

Mr. Brand: Therefore, you will excuse me.

Mr. TONKIN: These things happen. Do not tell me that things have not slipped through Cabinet that have not had to be tidied up subsequently!

Mr. Brand: That is right. It occurs on both sides.

Mr. TONKIN: Of course it does! I have never made any claim otherwise.

Mr. Brand: Not quite.

Mr. TONKIN: Never. I readily admit my faults and imperfections.

Mr. Brand: Don't you go too far!

The SPEAKER (Mr. Hearman): Order! Order!

Mr. TONKIN: Mr. Speaker, you will realise that I am addressing the Chair. The Premier said, "The first casualty is the freedom of the people."

Mr. Brand: That is right.

Mr. TONKIN: He repeated that in his article.

Mr. Brand: That is right.

Mr. TONKIN: The Premier said that if we detract from the power of Parliament the first casualty is the freedom of the people. As he said it twice, once on the floor of Parliament House and the second time in his article on the 29th July—I believe he was sincere when he said it—he cannot hold those views and want to retain in the law this provision which enables the Executive to completely set aside the desires of Parliament.

The Premier finished up by talking about the concept of the democratic freedom of the people. Just imagine the democratic freedom of the people with the power in the hands of the Executive to completely set aside a law for any purpose, to exempt any person and any ship.

So that makes Parliament a mere cipher. Parliament having said, "This Act shall bind the Crown", the Crown now makes a regulation and says, "No it won't". Not only that, but it says, "It won't bind anybody else whom we say it will not bind". If that is not making a mockery of Parliament, what is it? If that is not detracting from the power of Parliament, what is it?

In those circumstances the first casualty will be the freedom of the people, I agree, and that is what I am trying to avoid. I am trying to ensure that the final say in all matters shall rest with Parliament and not the Executive.

I repeat that this puts us back to the days of Simon de Monfort, when the Executive did what it liked until Simon de Monfort's Parliament came along and put some restrictions on it. We have gone a long way since then, but this puts us back. Although I said this to the Minister earlier, when the Premier was not present, I shall repeat the challenge, which is to the Minister and the Premier: that they cannot find anywhere in a democratic country an example to equal this one, where a regulation-making power is provided in a law to enable the law to be set aside.

Talk to any lawyer and ask him what he thinks of this sort of thing! Every one of them, from Q.Cs. downwards, will say that the power to make regulations is circumscribed by the law, and regulations can be made only within the law, and to the extent that one can make regulations outside the law they are invalid. But the Act as it is at present worded gives the Government power to make regulations to wipe the law out completely.

A number of lawyers support the Government—some of them knowledgeable men—and so the Minister and the Premier will have very little difficulty in looking for examples where this can be done. However, I repeat: When I rang the Crown Law Department and asked for advice on this and said, "Will you tell me anywhere in the Statutes where you can find a regulation-making power to set a law aside?" I was told straightaway, that no such power exists. That is what one would think. This is the sort of thing one would find in the Kremlin—the power to set the law aside if it suits the Executive to do so.

Mr. Bovell: Didn't Parliament give this authority?

Mr. TONKIN: Should I have to go over that again? Of course it did!

Mr. Bovell: Well?

Mr. TONKIN: Certain assurances which were given by the Minister were broken.

Mr. Bovell: They were not broken.

Mr. TONKIN: Of course they were! There is not the slightest doubt about that. I have correspondence here from the Minister which proves it. Part of his letter to me on the 22nd June reads—

> I wish to advise that although permission has been given for the operation of two vessels under Regulation 102 to date, namely the "Lis-Frellsen" and "Tanais", the Harbour and Light Department insisted upon sighting all survey certificates ...

That is the only provision—"show your survey certificates".

But with regard to the provisions of the law those two ships are exempted. Yet when he introduced the Bill to put the amendment into the Act, and which I am now seeking to take out, the Minister said the only purpose was to permit all masters and officers to operate these ships without having a certificate. He went further and he said that power would not be given to exempt these people from the surveying requirements of the law, and the Minister cannot deny that the ships which have been given the benefit of regulation 102 have been exempted from the surveying requirements of the law.

Mr. Ross Hutchinson: Of this law, yes.

Mr. TONKIN: Yes, this law. So there it is and nothing could be plainer. The matter must rest with the members of this House who call themselves democrats, and who I believe are democrats. No democrat could be happy under this situation because it is the very negation of democracy. Lest sight be lost of the Premier's utterances I shall conclude by reading them again—

Mr. Brand: Oh dear, dear!

Mr. TONKIN:—because I think they should be printed and held up in front of us—

Mr. Brand: Please forgive me.

Mr. TONKIN:—so that we should never lose sight of them. It is a principle which should apply all the time—

Mr. Brand: All the time.

Mr. TONKIN:—and if the Premier did not mean it to apply all the time then there was not much sincerity in his statement.

Mr. Brand: He meant it to apply all the time but the law to be what it was when you supported it.

Mr. TONKIN: This is what the Premier said—

> It is worth remembering, especially at this time in our history, that when the influence of Parliament is diminished in any way or for any reason, the first casualty is the freedom of the people.

Mr. Bovell: A statesman-like utterance.

Mr. Brand: Right on the knocker.

Mr. TONKIN: I suggest that this provision in the law diminishes the influence of Parliament—there can be no argument about that—and the Premier has said that when this is done for any reason, or in any way, the first casualty is freedom. Argue yourself out of that!

Debate adjourned, on motion by Mr. Ross Hutchinson (Minister for Works).

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier) [9.59 p.m.]: I move—

That the House at its rising adjourn until 2.45 p.m. tomorrow (Thursday).

Question put and passed.

House adjourned at 10 p.m.

Legislative Assembly

Thursday, the 19th August, 1965

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The SPEAKER (Mr. Hearman) took the Chair at 2.45 p.m., and read prayers.

QUESTIONS (21): ON NOTICE

HOUSES: TRANSPORT FROM SOUTH AUSTRALIA TO NORTH-WEST

Fees Paid by Vehicle Owners

1. Mr. BURT asked the Minister for Transport:

   (1) Is he aware that literally hundreds of dwellings are at present being carted by road from South Australia to the north-west of this State?

   (2) What fees do the owners of these vehicles pay to road authorities in Western Australia?

Load Dimensions and Authority for Transport

   (3) Are the dimensions of the loads carried greater than is permitted by regulation?

   (4) If so, by what authority are the vehicles allowed to travel on roads and highways in this State?