Legislative Assembly

Wednesday, the 7th October, 1970

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

QUESTIONS (44): ON NOTICE

1. STREET LIGHTING

Rockingham-Kelmscott

Mr. RUSHTON, to the Minister for Electricity:

(1) Will he advise when adequate street lighting in precinct one Rockingham Park and Eden Park (Westfield) Kelmscott is to be installed by the State Electricity Commission?

(2) If there is a plan showing the lighting to be provided, will he let me have a copy?

(3) If "No" will he advise the standard of lighting to be installed?

Mr. NALDER replied:

(1) Precinct One—Rockingham Park. By Christmas 1970.

Eden Park. Not known. Local authority has yet to request lights.

(2) Plan of Precinct One, Rockingham Park, is submitted for tabling.

(3) See (2).

The plan was tabled.

2. FIRE STATION

Rockingham

Mr. RUSHTON, to the Chief Secretary:

(1) When is it intended to build a fire station at Rockingham?

(2) Has a site been selected; if not, when will the land be obtained?

(3) What standard of station is planned?

Mr. CRAIG replied:

(1) Planning is for the initial building as early as possible in 1971.

(2) No site has been selected but several available areas are at present being considered.

(3) This matter is still under consideration.

3. CROWN LAND

Extension Beyond High or Low Water Marks

Mr. FLETCHER, to the Minister for Lands:

To what distance does Crown land extend beyond high or low water mark on the Western Australian coast in areas other than those allocated for other purposes?

Mr. CRAIG (for Mr. Bovell) replied:

Crown land as defined in the Land Act, 1933, is limited to the land down to low water mark, except where certain leases for specific purposes are granted.

4. TAXIS

Issue of Additional Plates

Mr. GRAHAM, to the Minister for Transport:

(1) When was the last issue of additional taxi plates in the metropolitan area?

(2) How many were issued?

(3) How many applications were lodged?

(4) What were the criteria by which applicants were adjudged eligible for plates?

(5) Does the formula applied vary in any respect from that first laid down?

(6) If so, in what respects does it differ, and why?

(7) When were the changes, if any, made?

(8) Were all the plates of the last issue allocated to people coming within the formula?

(9) If not, why not?

(10) Is it a fact that some plates were granted to persons other than taxi drivers?

(11) If so—

(a) how many and for what reasons;

(b) what was the nature of their employment?

(12) What is the present policy in respect of the issue and allocation of taxi plates?

Mr. O'CONNOR replied:

(1) The last issue of ordinary taxi-car licenses was in April, 1970.

(2) Eight.

(3) There were 28 applications for ordinary licenses in November, 1969. Twenty were issued at that time and the remaining eight were issued in April, 1970.

(4) In connection with ordinary licenses, paragraph (2) of Regulation 6A provides as follows:—

An applicant for a taxi-car licence shall be a person—

(a) who is not, or whose spouse is not, the holder of another taxi-car licence and who has not, or whose spouse has not, been such a holder for a period of five years prior to the date of his application;

(b) who is registered as a full-time driver pursuant to Section 22B of the Act; and

(c) who is engaged full-time as a taxi-car driver and has been so engaged for a period of five years prior to the date of his application.

(5) No. The provisions regarding eligibility of an applicant were first introduced in 1968.

(6) Answered by (5).

(7) Answered by (5).

(8) Yes.

(9) Answered by (8).

(10) No.

(11) Answered by (10).

(12) As regards ordinary licenses the conditions quoted in the answer to (4) must be complied with. Where the number of applicants exceeds the number of licenses to be issued, the successful applicants are determined by ballot as provided in Regulation 6A. In connection with private taxi-cars, the Taxi Control Board uses its discretion in determining the ability of applicants to provide a high standard of service.

I take it for granted that the honourable member is not referring to the newtype V.I.P. plate.

5. VEHICLE CHECKING CENTRE

Bentley

Mr. TOMS, to the Minister for Works:

(1) Has a tender been accepted for the proposed vehicle checking centre at Bentley?

(2) If so, when is it anticipated the buildings will be completed, and in operation?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) See answer to (1).

6. *This question was postponed.*

7. WATER SUPPLIES

Plastic Piping

Mr. McPHARLIN, to the Minister for Water Supplies:

(1) As the use of plastic piping for domestic water has been approved, what is the correct type of piping for this purpose?

(2) What is the minimum depth of covering required?

(3) What is the maximum diameter allowed?

(4) As pressure valves are available to reduce pressures is there any restriction placed on the installation of these on farming properties?

(5) Is there any restriction on the use of these valves for domestic purposes?

Mr. ROSS HUTCHINSON replied:

(1) In the Metropolitan Water Board area the use of P.V.C. class P.F. and high density polythene Class D piping have been approved for pressure applications up to 1 in. in diameter. Non-pressure pipes and fittings up to 2 in. in diameter have been approved in accordance with Australian Standard Specifications ASK 138/69, A 159/69 and A 160/69.

In the country areas of the State there are no limits to the diameter of the piping provided it is manufactured in accordance with Australian Standard Specifications.

(2) 18 inches.

(3) In the M.W.B. area—1 in. for pressure, 2 in. for non-pressure applications. The maximum size for non-pressure applications is currently under review.

In the country areas—The limitations in diameter do not apply.

(4) In the M.W.B. area this question does not apply. In the country areas restrictions on installation of pressure valves do apply.

(5) In the M.W.B. area these valves are restricted to hot water systems. In the country areas no restriction applies.

8. WHEAT

Processing into Starch: Alumina Production

Mr. STEWART, to the Minister for Industrial Development:

(1) How many bushels of wheat were processed into starch and used in the manufacture of alumina in Western Australia in the year 1969-70?

(2) To what extent is this usage of starch expected to grow when the alumina plant at Pinjarra comes on stream?

Mr. COURT replied:

(1) 231,130 bushels.

The 1969-1970 figures as quoted in this answer above were related to a four unit level of operation at Alcoa's Kwinana plant. Five units are now producing alumina and a sixth unit is expected to be in production before the end of the year. At six unit level of operation the starch needed will be 7,500 tons per year requiring 347,250 bushels of wheat.

(2) The initial capacity of the Pinjarra refinery is 400,000 tons of alumina and 115,750 bushels of wheat will be required to produce the necessary starch.

This will increase as capacity increases.

9. SEWAGE

Sanitary Site: Balcatta

Mr. GRAHAM, to the Minister representing the Minister for Health:

(1) What stage has been reached in connection with investigations for the establishing of a new site for septic tank and sullage disposal to replace that at present being utilised in Delawney Street, Balcatta, and which has been the subject of complaint?

(2) When is it anticipated a decision will be made?

Mr. ROSS HUTCHINSON replied:

(1) Two alternative sites selected and examined: both sites are suitable, dependent upon effect on the ground water reserves which is currently being examined.

(2) Two weeks. Revesting of the land and transfer of operations from Delawney Street to new site will take several months.

10. *This question was postponed.*

11. COUNTRY HOSPITALS

Visiting or Resident Radiologists

Mr. McIVER, to the Minister representing the Minister for Health:

(1) Do Bunbury, Narrogin, and Geraldton Regional Hospitals have visiting or resident radiologists for reading X-rays?

(2) If so, what were the annual total payments made to each radiologist by the department to the 30th June, 1970, for this service?

(3) Is a radiologist to be engaged at the new Northam Regional Hospital?

(4) If so, will this be on an identical basis to the others?

Mr. ROSS HUTCHINSON replied:

(1) Bunbury and Geraldton Regional Hospitals have visiting radiologists; Narrogin has not at present.

(2) Visiting radiologists are in private practice. They are not employed by the hospital or the department. By arrangement the hospitals raise fees for their services and pay the radiologist a proportion of those fees. The hospitals retain the balance to cover costs of providing equipment, maintaining and operating it, etc.

The amount paid to these practitioners is a matter personal to them in the same way as any other private practitioner.

(3) A visiting radiologist will be obtained for the Northam Regional Hospital—if a suitably qualified practitioner is interested in the work at Northam.

(4) Almost certainly yes, although it would be possible for specific points to be negotiated to suit individual circumstances.

12. *This question was postponed.*

13. HEALTH

Sheep and Lamb Carcases

Mr. MAY, to the Minister representing the Minister for Health:

(1) What was the number of sheep and lambs—excluding those for export—inspected at the Midland abattoir for the month of October in the years 1968, 1969, 1970?

(2) What was the total number of meat or health inspectors employed at the Midland abattoir by the Public Health Department for the month of October in the years 1968, 1969, 1970?

(3) Are the requirements of the Country Slaughterhouse Regulations, 1969, being complied with by all persons forwarding carcases to the meat market, Metropolitan Markets, West Perth?

(4) How many sheep and lambs were condemned by officers of his department at the Midland abattoir during the month of October for the years 1968, 1969, 1970?

(5) Are the requirements of the Meat Transport Regulations being complied with by all persons delivering carcases to or despatching carcases from the meat market, Metropolitan Markets, West Perth?

(6) If not, what action is being taken to implement these requirements?

Mr. ROSS HUTCHINSON replied:

(1) 1968—49,237.
1969—49,398.
1970—not available.

(2) 1968—11.
1969—15.
1970—15.

(3) Yes.

(4) 1968—1,316.
1969—1,171.
1970—not available.

(5) Not fully.

(6) A Ministerial inspection recently took place. A deputation from the Meat & Allied Trades Federation to discuss some details is currently awaited.

14. PENSIONERS

Interstate Travel Concessions

Mr. MAY, to the Premier:

(1) What transport concessions are granted to pensioners visiting Western Australia from the Eastern States?

(2) Do pensioners in the Eastern States receive similar transport concessions on an individual State basis comparable with Western Australia?

(3) Does a reciprocal arrangement exist between various States to enable pensioners to travel on Government instrumentalities at concession rates when visiting interstate?

(4) If not, will he give consideration to initiating inquiries with the other States in an endeavour to provide pensioners with reciprocal transport concessions?

Mr. NALDER (for Sir David Brand) replied:

(1) I am advised that concessions can only be granted when a pension is transferred from one State to another on a permanent basis.

(2) Detailed information is not available, but it is understood that in general terms the concessions granted are similar to those in Western Australia.

(3) No.

(4) The matter has been discussed with other States on a number of occasions but no positive conclusions have yet been reached.

15. FAUNA CONSERVATION ACT

Regulations: Opinion of Avicultural Societies

Mr. MAY, to the Minister representing the Minister for Fisheries and Fauna:

(1) Is it the intention of his department to shortly introduce new regulations under the Fauna Conservation Act?

(2) If so, have avicultural societies in Western Australia been given the opportunity of examining the proposed regulations?

(3) If not, would he indicate the reasons for not seeking the assistance of these societies?

(4) Will he afford these societies the opportunity of perusing the regulations and submitting recommendations prior to their introduction?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) No. However, recommendations made by these societies have been incorporated.

(3) The proposed regulations are based on accepted standards for keeping birds in captivity. It has been conveyed to the avicultural societies that the way is open to them to suggest any amendments in the future that may improve standards of aviculture.

(4) No. However, the Minister would be prepared to receive a joint deputation from these societies.

16. WATER SUPPLIES

Geraldton: Agricultural Quotas

Mr. SEWELL, to the Minister for Water Supplies:

(1) When is it expected that the reticulated water supply to the Drummond Cove-Glenfield areas will be completed?

(2) Is he aware that there appear to be anomalies in the allocation of water for agricultural purposes in the Geraldton district, in that some gardeners have a quota of 200,000 gallons while gardeners in another area receive a quota of 800,000 gallons?

(3) What is the reason for the difference in quotas?

Mr. ROSS HUTCHINSON replied:

(1) To date $90,000 has been spent on the Waggrakine Glenfield reticulation and this year it is planned to complete reticulation of the Moresby area at a further estimated cost of $37,000. An additional estimated $43,000 is required to reticulate the Drummond Cove area, completion of which will depend on availability of finance.

(2) Existing quotas vary.

(3) Market gardening and tomato growing quotas in Geraldton were assessed in January, 1967, on the basis of the average consumption for the previous five years to 1965 plus an allowance of 20 per cent.

17. MARGINAL DAIRY FARMS RECONSTRUCTION SCHEME

Visit of Officers to Country Centres

Mr. H. D. EVANS to the Minister for Lands:

(1) Is it intended that officers administering the Marginal Dairy Farms Reconstruction Scheme will visit appropriate country centres for the purpose of conducting expository meetings with interested dairying communities?

(2) If so, which centres will be included?

(3) When would the holding of such meetings commence?

Mr. CRAIG (for Mr. Bovell) replied:

(1) Yes.

(2) Margaret River, Pemberton, and Denmark, after tentative discussions with the dairy section of The Farmers' Union.

(3) Actual dates of these meetings will be decided at a meeting of the State Dairying Industry Advisory Committee to be held on Wednesday, the 14th October, 1970.

18. *This question was postponed.*

19. RAILWAYS

Bunbury: Staff Accommodation

Mr. WILLIAMS, to the Minister for Railways:

(1) What are the plans for re-location of accommodation for the district engineer, Bunbury, and his staff, and the ways and works branch?

(2) When is it likely that the present site will be vacated?

Mr. O'CONNOR replied:

(1) These matters are still under consideration.

(2) This is dependent on the availability of funds.

20. TOTALISATOR AGENCY BOARD

Agency No. 33, Victoria Park: Closure

Mr. DAVIES, to the Minister for Police:

(1) Why has Totalisator Agency Board Agency No. 33 at 627 Albany Highway, Victoria Park, been closed?

(2) What action is being taken to provide an alternative agency in the same area?

Mr. CRAIG replied:

(1) The agency was closed by reason of the poor standard of the premises.

(2) In November, 1969, the board purchased Lot 994 in State Street, Victoria Park, with the belief that it would be able to have the lot rezoned from residential to commercial. However, the board's application for rezoning to the City of Perth was not successful.

The board will reapply at a later date and if successful will erect a modern totalisator building on this lot.

21. BUNNING HOLDINGS-HAWKER SIDDELEY MERGER

Timber Rights

Mr. JONES, to the Minister for Forests:

In view of the merger of Bunning Timber Holdings Limited and Hawker Siddeley Building Supplies Pty. Ltd., does it mean that the new company will retain the timber rights granted by legislation to Hawker-Siddeley?

Mr. CRAIG (for Mr. Bovell) replied:

The member's reference to timber rights granted by legislation to Hawker-Siddeley, is not understood.

22. *This question was postponed.*

23. *This question was postponed until Tuesday, the 13th October.*

24. LOCAL GOVERNMENT

Loan Indebtedness

Mr. JONES, to the Minister representing the Minister for Local Government:

(1) What was the total local government loan indebtedness in Western Australia for the years 1967-68, 1968-69 and 1969-70 in the following State divisions—

Perth, South West, Southern Agricultural, Central Agricultural, Northern Agricultural, Eastern Goldfields, Central North Eastern, North Eastern, Pilbara, and Kimberley?

(2) What was the loan indebtedness annually of each shire council and municipality in the south-west from 1959-60 to 1969-70?

(3) What was the amount of money required to meet principal and interest repayments on borrowings by each south-west local authority annually for each of the years 1964-65 to 1969-70?

Mr. NALDER replied:

(1) to (3) The answers to these questions can be extracted from the Statistical Register of Western Australia—Part XI Local Government, the last issue of which was for 1967-68. Subsequent figures are not available.

25. ROADS

Commonwealth Aid Funds: Receipt and Expenditure

Mr. JONES, to the Minister for Works:

(1) What amount of Commonwealth Aid Roads funds have been expended in Western Australia for the years 1968-69 and 1969-70—

(a) on rural roads;

(b) in the metropolitan area?

(2) What was—

(a) the total amount received by the State under the Commonwealth Aid Roads Act in 1968-69 and 1969-70;

(b) the percentage of rural and metropolitan expenditure annually in relation to Commonwealth money expended?

Mr. ROSS HUTCHINSON replied:

I have the answer to this question. The answers to the other two questions involve a tremendous amount of research which, I hope, will be of value to the honourable member.

(1)

	1968-69
(a) Rural roads	24,067,919
(b) Metropolitan area	5,717,261
	$29,785,190

	1969-70
(a) Rural roads	23,334,148
(b) Metropolitan area	10,111,737
	$33,445,885

(2) (a) 1968-69—$30,536,993.
1969-70—$32,940,000.

	1968-69 per cent	1969-70 per cent
(b) Rural	80.8	69.8
Metropolitan area	19.2	30.2

Note.—The Commonwealth Aid Roads Act defines the Metropolitan Area as the Perth Statistical Division. The above figures are based on this definition.

26. *This question was postponed until Tuesday, the 13th October.*

27. *This question was postponed.*

28. ART GALLERY

Appointment of "Keeper of the Paintings"

Mr. BURKE, to the Minister for Education:

With reference to the position of "Keeper of the Paintings" advertised recently by the Art Gallery of Western Australia—

(1) (a) Has the position been filled;

(b) if so, by whom?

(2) What qualifications and experience has the appointee?

(3) What does the position entail?

Mr. LEWIS replied:

(1) (a) Yes—June the 8th, 1970.

(b) Mrs. Maris Rose Morton, from 12 applicants.

(2) Bachelor of Arts, University of Melbourne, 1959. With majors in English, and fine arts/history.

After graduation—clerk in the Southern area Finance Office, Department of Air, March, 1959—July, 1960. Assistant Public Relations Officer with National Gas Association of Australia, Melbourne. Assistant Editor of the association's magazine, August, 1960—February, 1961.

Senior English mistress at Clarendon Presbyterian Ladies' College, Ballarat, Victoria, February, 1961, to June, 1961, when left to marry.

Experienced at public speaking—country community affairs—has a life long interest in fine arts, particularly painting and has acquired a wide knowledge over the years. Keen on research and writing in regard to art matters and experienced in utilisation of library resources.

(3) To be responsible for the Gallery collections and to assist the director in Gallery activities including exhibitions, lectures, publications and public inquiries.

Position would require and call for research ability knowledge of art history and English, and experience in writing on art matters; also public speaking ability.

Mr. Tonkin: She is qualified to be Secretary to the Prime Minister.

29. SUPERANNUATION

Updating of Payments

Mr. BURKE, to the Treasurer:

(1) Is it the intention of the Government to update payments to superannuees of the State Public Service in the current session?

(2) If not, why not?

Mr. NALDER (for Sir David Brand) replied:

(1) Payments were updated from January, 1969, and again from January, 1970, to compensate for increases in the cost of living. This method of updating pensions is now being given further consideration.

(2) Answered by (1).

30. SUPERANNUATION

Amending Legislation

Mr. BURKE, to the Premier:

(1) Will the Government cause inquiries to be made in order to ascertain what anomalies exist in the present State superannuation scheme, with a view to introducing legislation for the purpose of removing inequities?

(2) If not, why not?

Mr. NALDER (for Sir David Brand) replied:

(1) I am not aware of any anomalies but if the honourable member is, then I suggest he advise me of them so that inquiries can be made.

(2) Answered by (1).

31. PUBLIC WORKS DEPARTMENT

Maintenance Section: Retrenchments

Mr. BATEMAN, to the Minister for Works:

(1) Is it a fact that a number of employees are to be retrenched from the Public Works Department maintenance workshops?

(2) If "Yes" what is the reason for such retrenchment and what is the number to be retrenched?

Mr. ROSS HUTCHINSON replied:

(1) No reduction of work force is anticipated.

(2) See answer to (1).

32. TOURISM

Abrolhos Islands

Mr. BATEMAN, to the Minister for Tourists:

(1) Is it a fact a private company has made approaches to the Tourist Development Authority seeking assistance in establishing a tourist facility on the Abrolhos Islands?

(2) In view of the considerable concern expressed by members of the rock lobster fishing industry with regard to the establishment of such an enterprise, will he agree to seek the views of the local fishermen before making a decision?

Mr. NALDER (for Sir David Brand) replied:

(1) No approaches have been made to the Tourist Development Authority.

(2) Answered by (1).

33. MILK QUOTAS

Sale

Mr. BATEMAN, to the Minister for Agriculture:

(1) In view of the fact that milk quotas are taxable in respect of probate duty, will he advise whether the Milk Board has made a decision with regard to the sale of milk quotas?

(2) If "No" will he advise why there is a restriction placed on the sale of milk quotas?

Mr. NALDER replied:

(1) and (2) The term "milk quota" is commonly misused to describe "contract milk quantity" being the amount of milk which a licensed dairyman is permitted to supply daily under the terms of a written contract.

The Milk Board requires that a dairyman's business can only be sold on a walk-in-walk-out basis as a going concern. The purchaser in such cases is licensed in lieu of the seller and accepts assignment from the seller of the contract for the sale of milk. Supply under the contract must be continuous.

34. VERMIN TAX.

Rates: Review

Mr. BATEMAN, to the Treasurer:

(1) With regard to his reference in his Budget speech that some amelioration of land tax payments is to take place, does he intend at the same time to amend the rate of vermin tax?

(2) If "Yes" does he intend to introduce amending legislation this session?

(3) If "No" will he give urgent consideration to a review of vermin tax rates to bring them into line with new land tax rates?

Mr. NALDER (for Sir David Brand) replied:

(1) Consideration is being given to a changed approach to vermin and noxious weeds rating with a view to providing relief to properties markedly affected by high land values.

(2) Yes.

(3) Answered by (1).

35. PROVIDENT FUND

Review

Mr. DAVIES, to the Premier:

As a considerable number of public servants who are eligible to be members of the Provident Fund only are concerned because of the limited retirement benefits available to them under the fund, will he give urgent consideration to reviewing the fund with a view to increasing benefits which, of course, would no doubt involve an increase in contributions?

Mr. NALDER (for Sir David Brand) replied:

This matter is already under consideration as a result of a recent request from the Civil Service Association.

36. WATER SUPPLIES

Dardanup

Mr. I. W. MANNING, to the Minister for Water Supplies:

What progress is being made with the provision of a water scheme for the township of Dardanup?

Mr. ROSS HUTCHINSON replied:

An amount of $5,000 has been provided on the 1970-71 loan programme to enable a start to be made on a reticulated water supply for the township of Dardanup.

37. EDUCATION

Mandurah and Pinjarra Schools

Mr. RUNCIMAN, to the Minister for Education:

(1) What were the enrolments at each of the following schools from 1965 to 1970 inclusive—

(a) Mandurah Primary;

(b) Pinjarra Primary;

(c) Pinjarra High?

(2) What was the number of enrolments in the Pinjarra High School for fourth and fifth years for 1968, 1969, and 1970?

(3) How many children enrolled at Pinjarra High School came from Mandurah from 1965-70 inclusive?

(4) Because of the development of Mandurah and the indirect impact that the alumina refinery at Pinjarra will have on the town, what is the future planning for education at primary and secondary level for Mandurah?

(5) As the population of Pinjarra was approximately 1,500 in July, 1970, and it has been estimated that due to the alumina refinery development it will have a population of 3,290 by September, 1971, what is the planning for primary and secondary education for the town?

Mr. LEWIS replied:

(1) Enrolments as at the 1st August—

	1965	1966	1967	1968	1969	1970
(a) Mandurah Primary	290	298	355	383	462	540
(b) Pinjarra Primary	284	317	284	287	283	300
(c) Pinjarra Senior High	312	355	418	446	493	507

(2)

Pinjarra Senior High—						
4th year				33	49	42
5th year				21	20	31

(3) 1st year enrolments at the Pinjarra Senior High School from Mandurah Primary School as at February—

1965—39.
1966—42.
1967—42.
1968—50.
1969—56.
1970—62.

(4) Tenders have closed for an additional three classrooms for the Mandurah primary school. These additions should be adequate to cater for increased needs in 1971. A secondary school will be established in Mandurah when increased student numbers are available.

(5) A new primary school is to be built at north Pinjarra and major extensions will be made to the existing secondary school.

38. FAUNA WARDEN

Abrolhos Islands

Mr. COOK, to the Minister representing the Minister for Fisheries and Fauna:

(1) Has a full-time fauna warden been appointed to ensure protection to the Abrolhos Islands fauna?

(2) If so, on what date was he appointed, and is he stationed on the islands?

(3) If answer to (1) is "No" is it proposed to appoint one and, if so, when?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) See (1).

(3) Provision has been made in this financial year for the appointment of a full-time warden to be stationed in Geraldton. Protection of the Abrolhos Islands fauna will be part of his responsibilities. An officer should be appointed within the next six months.

39. FITZGERALD RIVER AND TWILIGHT COVE RESERVES

Dedication as Class "A"

Mr. COOK, to the Minister for Lands:

(1) On what date did the reserves advisory council recommend to him that the Fitzgerald River reserve No. 24048 be changed from conservation of flora and fauna to national park and that it be classified "A" class and vested in the National Parks Board?

(2) On what date did the reserves advisory council recommend to him that reserve No. 27632—Twilight Cove—be classified "A" class

for the purpose of conservation of flora and fauna and that it be vested in the Western Australian Wildlife Authority?

Mr. CRAIG (for Mr. Bovell) replied:

(1) and (2) The Reserves Advisory Council's submissions are not considered in isolation, but with all other relevant factors relating to the use of Crown land in the best public interest.

Recommendations are designed to assist the Minister for Lands in allocation of Crown land and are confidential.

40. KANGAROOS

Annual Kill

Mr. COOK, to the Minister representing the Minister for Fisheries and Fauna:

(1) What is the estimated grey kangaroo population of Western Australia in each of the past ten years?

(2) What is the estimated commercial take of grey kangaroos in each of the past ten years?

(3) What is the estimated non-commercial take of grey kangaroos in each of the last ten years?

Mr. ROSS HUTCHINSON replied:

(1) The absolute population of the grey kangaroo is unknown but trend of population is declining because area of habitat has been progressively reduced although high local densities can still occur. Normal density of these animals in the south-west forest country is about 1 : 100-150 acres in undisturbed populations.

(2) 1960-66: It is estimated in these years the commercial take was between 20,000 and 30,000 animals per annum.

1967-68: Estimated between 20,000 and 25,000 per annum.

1969: Estimated between 5,000 and 10,000.

(3) Figures not available.

41. KANGAROOS

Annual Kill

Mr. BURT, to the Minister representing the Minister for Fisheries and Fauna:

(1) How many kangaroos are known to have been killed for skins and/or pet meat in Western Australia in each year from 1965 to 1969 inclusive?

(2) What is the maximum number of kangaroos which he considers could be destroyed annually in Western Australia, which would prevent the eradication of the species and yet would allow for the adequate prevention of feed destruction by these animals?

Mr. ROSS HUTCHINSON replied:

(1)—

	Red Kangaroos (Est. 000)	Grey Kangaroos (Est. 000)
1965	100 to 150	20 to 30
1966	100 to 150	20 to 30
1967	173	20 to 25
1968	175	20 to 25
1969	375	5 to 10

(2) A kangaroo management programme for red kangaroos is being established based on a commercial take of 200,000 animals in the first year. This figure will be subject to review each year as further biological data comes to hand.

It is proposed that there will be no further commercial take of grey kangaroos.

42. DRIVING AND MOTOR VEHICLE LICENSES

Morley: Facilities

Mr. CASH, to the Minister for Traffic:

(1) Where in the metropolitan area, other than at the chief traffic office, can driver and vehicle licenses be issued?

(2) In view of the success of the special licensing office at the Innaloo shopping centre, will he give consideration to establishing similar licensing facilities in the Morley area where a greatly increased population has created a need for a service of this nature?

Mr. CRAIG replied:

(1) (a) New Driver Licenses: Fremantle, Victoria Park, Subiaco, Midland, Armadale and Rockingham.

(b) New Vehicle Licenses: Fremantle, Victoria Park, Subiaco, Midland, Armadale, Rockingham and Innaloo.

(c) Renewals: Fremantle, Victoria Park, Subiaco, Midland, Armadale, Rockingham, Innaloo, Rural and Industries Bank, Barrack Street, Perth.

(2) Yes.

43. EDUCATION

Westfield School

Mr. RUSHTON, to the Minister for Education:

(1) When is it expected the new Westfield school, Kelmscott, will be ready for occupation by students?

(2) To what extent and when will contractors or developers drain or fill the abovementioned school grounds?

Mr. LEWIS replied:

(1) On present indications, early November, 1970.

(2) The land and surrounds occupied by the school buildings are filled and drained.

44. EDUCATION

Neerigin Brook School

Mr. RUSHTON, to the Minister for Education:

(1) When is it estimated the Neerigin Brook School, Armadale, will be ready for occupation?

(2) What is the acreage of the site of the new Rockingham High School?

(3) In the tenders now called for first stage of Rockingham High School is provision for outdoor sporting activities included and, if so, will he detail them?

Mr. LEWIS replied:

(1) On present indications, early December, 1970.

(2) The site is 20¾ acres. However, negotiations are under way to acquire additional land.

(3) The tender for the first stage of Rockingham High School includes—

1 oval,
1 hockey field,
2 basket ball courts,
4 tennis courts.

QUESTIONS (2): WITHOUT NOTICE

1. GRAIN ALCOHOL

Interest by Phillips Petroleum

Mr. STEWART, to the Minister for Industrial Development:

(1) Has he seen Press references in today's paper to an interest being shown by Phillips Petroleum in the grain alcohol proposal?

(2) Has this interest been communicated to him or his department?

(3) If not, does he propose to contact the local committee or the company to see whether his department can assist the studies in view of the research work already done by the Department of Industrial Development?

Mr. COURT replied:

I thank the honourable member for having given some notice of this question, the answer to which is as follows:—

(1) Yes.

(2) We have no knowledge of the interest being shown by Phillips Petroleum other than the Press release.

(3) Yes, we propose to contact the company—in fact, an effort has already been made to do that today—to see whether the Department of Industrial Development can assist in the proposed studies, or whether work already done will be of any interest to it.

2. ELECTRICITY SUPPLIES

Fuel Oil

Mr. FLETCHER, to the Minister for Electricity:

(1) What percentage of furnace oil used for State Electricity Commission power generation in this State is—

(a) Australian indigenous;

(b) Western Australian indigenous?

(2) What percentage in gallons is imported?

(3) To what extent, in United States dollars, does this importation disadvantage our trade imbalance with the United States?

(4) If imported from other sources, what is the cost involved?

Mr. NALDER replied:

I thank the honourable member for having given prior notice of this question, the answer to which is as follows:—

(1) to (4) None of this information is available to the State Electricity Commission.

Mr. Bickerton: You want to switch the lights on! You can't see!

BILLS (2): THIRD READING

1. Totalisator Agency Board Betting Act Amendment Bill.

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

2. Marketable Securities Transfer Bill.

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

STATE ELECTRICITY COMMISSION

Inquiry by Royal Commission: Motion

MR. JONES (Collie) [5.03 p.m.]: I move—

In the opinion of the House a Royal Commission should be appointed to inquire into the following:—

(1) The general policy being adoped by the State Electricity Commission for the production of electricity in Western Australia.

(2) Whether the existing fuel policy for the production of electricity is in the best interests of the State.

This motion stems from the Collie Miners' Industrial Union because its members were concerned about the policy being adopted by the State Electricity Commission in this State. The workers consider it is in direct contrast to the policy being adopted by world power generation authorities.

Much concern is felt at Collie about this subject, and even as recently as last Thursday night, the Collie traders asked me to attend a meeting because they were concerned about the policy this Government is implementing and its effect not only on the town, but also on the coalmining industry in Western Australia.

Members will appreciate that, in speaking to this motion, it will be necessary for me to deal with the decision made by the State Electricity Commission in the early 1950s to use oil for power generation at the South Fremantle power station. However, before doing so I would firstly like to indicate that, when the decision was made to build the Muja power station adjacent to the coal deposits, the town of Collie felt this was to be the commencement of the policy that is adopted all over the world under which power houses are erected on the coal deposits or adjacent to them. The Collie community and the mining unions held high hopes that this policy would be extended, because when the Premier opened the Muja power station on Thursday the 8th April, 1966, he clearly indicated to the very big audience at the opening that the Muja station could be bigger than planned.

Reference to this is to be found in a special edition of the *Collie Mail* issued on Thursday, the 8th April, 1966, and, as I have already indicated, the community was rather pleased with the announcement because it felt that at last a departure was to be made from the general practice of building power houses away from the Collie coal supply.

Before the Muja power house was opened, the Government had already made a decision in April, 1955, to convert the operation of the South Fremantle power station from coal burning to oil burning, and when this decision was made, the State Electricity Commission refused to disclose the price it was paying for fuel oil. It was quite clear that everyone believed that the policy of building power houses adjacent to the coal deposits would be followed, because the Minister for Industrial Development, when speaking at Collie in support of the Liberal candidate in 1965, Mr. E. J. Cocker, before the Kwinana power house was even opened, said the following, which is to be found in the *Collie Mail* of the 4th February, 1965:—

> Kwinana, for a start, will not be developed to its maximum capacity. Initially, it will be a very small unit compared with Muja.

However, if we follow the events, we find that what the Minister said, which I have just quoted, did not eventuate. Before the Muja station was opened, plans were already afoot to increase the capacity of the Kwinana oil burning station.

The decision of the Government and the State Electricity Commission to refuse to disclose the price it was paying for fuel oil was not generally accepted by the public of Western Australia. It will be recalled that when the decision was made to double the capacity of the Kwinana station from 240 MW to 480 MW, the Collie mining unions conducted a campaign against the decision to use oil instead of the local product.

Members will recollect that even *The West Australian,* on one of the very rare occasions in my association with the coalmining industry, came out on the side of the coalminers and the town of Collie. It felt that the commission should disclose the price it was paying for fuel oil; and reference to a number of its editorials will clearly indicate that *The West Australian* was not happy with the secrecy surrounding this matter, as it felt that the price of fuel oil should be made known because the price of coal was already known to the oil companies. Without quoting the comments fully, I refer firstly to the issue of the 10th February, 1965, the editorial of which concluded as follows:—

> The government has no compunction about announcing the prices of coal, which also is supplied by private companies. This is the right course, because what is done with public money should be open to public scrutiny.

That is what the writer of the leading article on that day had to say. Again, on the 14th April, 1966, the newspaper continued to indicate its opposition to the policy being adopted by the commission in conjunction with this Government, because the final conclusion of the editorial on that day stated—

> Apparently the government needs to be reminded that the S.E.C. is a public utility. What it pays for its supplies is of considerable public interest. The government has no right to keep such matters secret.

Mr. Court: No State in Australia discloses the price.

Mr. JONES: I will disprove that statement in a moment.

Mr. Court: Some States do not even disclose the price of coal.

Mr. JONES: Hang on for a while and I will prove the Minister wrong. The Queensland Electricity Commission report shows quite clearly what is being paid for fuel oil in that State. The Minister has not done his homework, and I will refer to the Queensland report later.

Mr. Court: You had better read it again, and study it.

Mr. JONES: To indicate the feeling of the public towards the decision regarding the price of fuel oil, I will quote from several editorials which were published in *The West Australian*. An editorial published on the 9th June came out again clearly on the side of the miners by stating that the price of fuel oil should be disclosed. Even a very active member of the Country Party, Mr. L. E. Gooding—the President of the Collie District Council of the Western Australian Country Party—queried the decision regarding a dumped price. Mr. Gooding wrote a letter to the Press in support of a member in another place who had taken a stand against the Government's decision.

During the argument on the question of the price of fuel oil, a leading writer, Mr. D. Smith, attempted to disclose the price which he considered the Government was paying. It could well be that the Government could claim that the capital cost was the main reason for its opposition to the extension of the coal-burning plant. However, the capital cost is not the only factor to be considered.

Another article published in *The West Australian* of the 23rd June, 1967, reads as follows:—

> Muja Station Would Cost An Extra $185,000
>
> The annual fuel bill for a 480-megawatt power station at Muja—using exclusively open-cut coal—would be $1,780,000 lower than a 480-megawatt station fired by oil at Kwinana.

I will not weary the House by reading all the articles which have appeared in the Press, but it it quite clear that the question was very involved. It would be true to say that, generally speaking, the public was not happy with the secrecy that surrounded this very important question.

On the 14th September, 1967, the Minister for Electricity said there was no interest in the price of fuel oil. That statement was challenged and, no doubt, the Minister altered his opinion at a later stage. When it was decided to convert the South Fremantle power station to burn, partly, oil, and when it was decided to construct the Kwinana oil-burning power station, the unions concerned carried out research into the policies adopted in other parts of Australia and in other parts of the world. Data and views were obtained from responsible authorities regarding the fuel used to generate power, not only in Australia, but in other parts of the world also.

Reference to the Joint Coal Board report of 1963-64 clearly shows the views of the board. I will quote from page 70 of the report, as follows:—

> In these particular sections of the energy market, the petroleum industry has progressively developed its markets by big reductions in the price at which furnace oil has been made available. These reductions have not been general but have been selective to particular users. This has been in contrast to its pricing policy in relation to those products which have intrinsic advantage, for example, furnace oil for use in ships' bunkers, motor spirit, and fuel for dieselelectrics. In such cases, price reductions seem to have been relatively small. There is evidence that where furnace oil is in direct competition with coal, the Australian furnace oil price has declined by stages, from about £16 per ton until today quotations are reported at below £6 per ton.

So it is clear that in the opinion of the Joint Coal Board—and in the opinion of others also—the oil interests were setting out to obtain coal customers. To indicate the view of the board regarding the policy of supplying oil to the shipping industry, I will quote from page 72, as follows:—

> On the whole it does not seem unreasonable to assume that the price charged for ships' bunkers could be regarded as a normal price for Australia. On this basis sales made at less than this price could be regarded as having been made at unnecessarily low prices. This would seem to be indicative of unfair competition. In fact, prices of less than £8 per ton seem to be common in the inland market. On the other hand, if the price of bunker oil is not a fair price and is too high, then the petroleum industry is overcharging the shipping industry and such a practice must raise freight rates.

It is quite clear to me that this is actually what did occur. The report continues—

> To that end the industry should supply automotive and aviation spirit, turbine jet fuel, road and railway diesel fuels at prices as low as practicable. The prices of these fuels should not be inflated to allow furnace oil to be sold at abnormally low prices.

The opinion of the Joint Coal Board was that whilst special prices were being quoted for power generation purposes, in order to gain coal customers, the special price was not being paid by other users. It was quite clear, as far as the Joint Coal Board was concerned, that the general public and other users of fuel oil were paying an inflated price so that a special deal could be made on the basis I have indicated.

As I see the situation, that position still prevails. During my submission I will make further references to this point from the evidence which I have in my possession. I have already indicated that the Government has decided to double the size of

the Kwinana oil-burning station from 240 MW to 480 MW. That announcement, which appeared in *The West Australian* of the 27th May, 1967, came as a shock. It was stated that $98,000,000 would be spent on doubling the size of the Kwinana power station.

Of course, that decision was not readily accepted in a number of quarters, including the town of Bunbury. The Bunbury Town Council was of the opinion that the Bunbury power station should have been used to its maximum capacity.

An editorial which I feel is very important appeared in *The Sunday Times* of the 24th November, 1968, and was written by the feature writer, Leslie Anderson. The article is headed, "It's all too damn easy," and reads as follows:—

> It must be easy to be a primary producer if some kind authority tells you what to plant, how much to plant and then guarantees to buy all of it.

A subheading reads, "Powerhouse oil has a fishy smell".

The Bunbury Town Council called for a Royal Commission along similar lines to those I am proposing tonight. That occurred on the 24th—or around about the 24th—November, 1968.

Mr. Williams: Where did the prompting come from?

Mr. JONES: You, being the mayor, would probably know that.

Mr. Williams: Where did the prompting come from?

Mr. JONES: You are the mayor.

Mr. Williams: I am not the mayor.

Mr. JONES: I do not know where the prompting came from. The mayor of Bunbury was quite clear.

Mr. Williams: Perhaps you would know.

Mr. JONES: I do not know his brand of politics, but if the honourable member listens he will hear what the Mayor of Bunbury had to say. The mayor did not accept lightly the policy which was being brought down by the Government and the State Electricity Commission.

Mr. Williams: He is allowed his personal opinion.

Mr. JONES: The article says—

> The people of Bunbury don't know whether to laugh or cry.
>
> Their Town Council's request for a Royal Commission to look into power charges was refused.
>
> The reason? According to our perspicacious Premier, all the people of Bunbury want to know is the price of the oil used at the South Fremantle power house.
>
> Our free enterprise State Government doesn't believe in carrying freedom so far as to allow its right hand to know what its left hand is doing.
>
> Clenched in their right hand is the price of oil, marked "top secret", "confidential", "classified information" and "not to be revealed."
>
> After all, this is a matter of State and matters of State have nothing to do with the peasantry.

The article continues the reference to this question.

Mr. Williams: Read all of it.

Mr. JONES: If the member for Bunbury is interested I will lend him the publication so that he may acquaint himself with its contents.

Mr. Williams: The member for Collie has read part of it. He should read the whole of it.

The SPEAKER: Order!

Mr. Williams: I understand members are not allowed to read speeches.

Mr. Fletcher: It is not the member for Collie's speech, but somebody else's.

Mr. JONES: Perhaps we will be able to hear what the member for Bunbury has to say. The *Australian Financial Review* conducted a survey on the use of oil for power generation and the general costing basis to the users of oil in Australia. It is extremely interesting to note what that publication had to say about the policies being adopted. Special reference is made to this matter in the issue dated the 7th July, 1967. I consider this matter is very important and I should like to quote the following:—

> Fuel oil and coal: Friday's Australian Financial Review referred to what it called the recent "controversial" decision of the West Australian State Government to make the next major power extension in that State by doubling the capacity of the oil-fired Kwinana Station.
>
> The article said this decision was seen locally as a major blow at the Collie coal field, and went on to say that Collie miners were heading a campaign to force the W.A State Government to publish the price it was paying B.P. for fuel oil for Kwinana.
>
> The pricing policies of the oil refineries have been examined in several Tariff Board hearings and the Tariff Board has reported (to quote from its 1965 report) that "confidential information submitted by the marketing companies show that the actual prices for refined products have been reduced more than indicated by the changes in list prices. It was stated that marketing companies have been prepared to allow large discounts off list

prices to defend their market position or to secure large contracts for which distribution costs are low. Discounting is most pronounced in the furnace fuel market. . ."

The increases of $1.25 per ton in fuel oil prices for bunkers announced last month are evidence that it is not "to secure large contracts for which distribution costs are low" that price reductions are made for fuel oil. It is "to defend their market position", in other words to drive out competition from competitive fuels, the chief of which is coal.

The new fuel oil prices for bunkers, for which distribution costs are virtually nil compared to the distribution costs to coal's customers, are as follows:—

	$
Geraldton	17.95
Fremantle	17.76
Kwinana	17.76
Bunbury	18.33
Albany	18.33
Adelaide	18.70
Port Pirie	—
Melbourne	18.70
Westernport	18.70
Hobart	19.46
Port Kembla	19.52
Sydney	19.02
Newcastle	19.52
Brisbane	19.90
Townsville	19.90

I interpolate to say that those figures are extremely important. To continue—

> The same product is, however, being offered to coal's customers at under $14.00 per ton delivered to the customer.

This clearly shows that the oil companies, aided by the present Government in this instance, were setting out to cripple the coalmining industry. The article continues—

> In effect this means that a Governmental instrumentality like the Australian National Shipping Line is being levied by the oil companies to subsidise them in their campaign to acquire a monopoly of Australia's fuel markets.
>
> The Tariff Board's inquiries in the petroleum refining industry before the 1964-65 inquiry had recommended that the refineries' pattern of production should be brought into line with Australia's consumption by producing more of the more valuable products such as gasoline and less of the heavier products such as fuel oil.
>
> In the 1964-1965 inquiry the Australian Coal Association recommended certain proposals to the Tariff Board aimed at ensuring that fuel oil should not be sold in Australia at prices lower than prices of marine fuel oil (which are bulk consignments with minimum distribution costs) prevailing in the nearest port. These proposals would have given strong financial incentives to the refineries to produce more of the more valuable products and less of the heavier products.
>
> Actually, the Australian Government has not yet announced its proposals to encourage production of a higher proportion of more valuable products. The last public statement on this matter was made by the Minister for Trade and Industry on 8th September, 1965, in which he said that the Government would give "further consideration to measures to encourage production of the more valuable products in Australian refineries".

This is not my opinion, but the opinion of the *Australian Financial Review* which it expressed after considering submissions made to the Tariff Board inquiry and after inquiring into the general prices for fuel oil in Australian ports, in particular, and in Australia, generally. What was said at that time adequately describes, in my opinion, what has been happening in Western Australia.

I should also like to refer to a submission made by the late Sir Harold Raggatt. I do not think any member would challenge his authority on this matter. His submission to the Senate inquiry was extremely important and I should like to quote a brief portion of it. He said—

> Wapet might have a great success with offshore drilling in W.A. but the setup is very uncertain. I do not think national policies can be based on present assumption that the rate of discovery will be as good or better than it has been.
>
> I think that our self-sufficiency could come close to 50% in the early 1970's but at that time we will have to find three Barrow Islands every year to beat the increase in demand. That is overlooked by many people. We have to find the equivalents of three Barrow Islands by 1972.
>
> Self-sufficiency could be described as that part of the national over-all energy pattern that is supplied by oil and gas from domestic sources. If Australian oil continues to be high grade, we cannot be self-sufficient in the sense that we will have to import an equivalent amount of fuel oil which we cannot get out of Australian crude from Barrow at a reasonable price to provide the furnace oil that

> the community will require in 1970. Australian crude oil has the wrong constitution to fit the shape of our requirements.
>
> We cannot get—and the refineries will not let you forget this—the product in the proportions in which we now consume them.

This clearly indicates how the late Sir Harold Raggatt saw the situation when he made his submission to the Senate inquiry.

In view of the interest which is being displayed by the member for Bunbury, I shall now quote from a letter which the Mayor of Bunbury received from the Minister for National Development. The mayor had raised certain queries with the Federal Minister in relation to present and future oil supplies in this country. The letter from The Hon. David Fairbairn, Minister for National Development, is dated the 2nd May, 1969, and addressed to the Mayor of Bunbury. It says—

> I refer again to your letter of the 9th April dealing with future supplies of fuel oil in Australia.
>
> As you suggest, it appears likely that Australia will need to import fuel oil in the future. Many Australian industries depend on this fuel to provide the heat necessary for their processes. This is particularly relevant in industries located in remote areas as for example in northern and North West Australia. When the feedstocks to the refineries consist mainly of light Australian crude oils, the local production of fuel oil will be insufficient to meet all the likely demands, and the deficiency could be made up by imports.
>
> The price of these imports will be governed by many factors, particularly by the conditions then applying in the world trade of this petroleum product. I am not prepared to speculate on the future movements of oil prices in the new situation that will then obtain.

So it is quite clear that even the Minister for National Development, as late as the 2nd May last year, could not give a clear picture as to how he saw the matter of our self-sufficiency in relation to oil requirements for the future.

I do not think that opinion was challenged, but apparently the Minister in this State has a completely different opinion as to whether fuel oil or heavy products will have to be imported. The Minister for Electricity agreed with the Minister for National Development, because he does not know the position as regards future power-generating requirements in this State. The answer to the question I asked on the 8th October, 1968, clearly indicates the position. I asked the following question of the Minister for Electricity:—

> (1) When the decision was made to double the size of the Kwinana oil burning generating station and when the recent decision to change the South Fremantle and East Perth stations over to oil was made, was he aware of the information submitted before the Senate inquiry into petroleum resources wherein it was held that all oil so far discovered in Australia was too light in quality to produce fuel oil and that fuel oil and other heavy products would still have to be imported when Australian oil is being refined?
>
> (2) If "Yes," would he comment on the submission made by Sir Harold Raggatt?

The reply was as follows:—

> (1) and (2) Australian oil is not too light to produce fuel oil. It is not known whether fuel oil and other heavy products will have to be imported.

First of all we had the view of the Federal Minister. Now the Minister for Electricity in this State says, "We do not know the position. We do not know whether enough oil will be found in Australia to make us self-supporting." However, the Government in this State is still adopting a policy of extending the size of oil-burning power stations, when there is coal available—a local product—at a very economical price. I will refer to that matter a little later in my submission.

On the 15th June, 1967, my leader made reference to a very important point when this matter was before the public. In a letter to the Press on that date he referred to the wharfage charges that had been levied in other States, and he said—

> In South Australia the Stanvac refinery has to pay 48c a ton as a special wharfage charge in place of normal charges. On this basis, British Petroleum is saved $2,000,000 each year.

That statement was not challenged, and it clearly indicates that the Government, in its effort to reduce the amount of coal coming from Collie, went out of its way to assist the oil companies. A later reference will show that whilst that statement was made in 1967, the position remains unchanged.

In my view, and in the view of the mining unions, there is further evidence that the Government again went out of its way to assist the oil companies when it decided to change the East Perth power

station from coal to oil. This, of course, has had a very drastic effect on the amount of coal used at the Bunbury power station. No doubt the member for Bunbury has his views on this matter, because of his interest in it. The south-west is concerned about the future of the Bunbury power station because the figures disclose that in 1965 the consumption of coal at the Bunbury power station was 469,000 tons, but in 1970 the estimated consumption was 140,000 tons, and for 1971 the estimated consumption is 190,000 tons.

Mr. Williams: People in the south-west are also concerned with the cost of power —not from individual power stations, but the overall cost.

Mr. Tonkin: Has the use of Kwinana reduced the cost of power in Bunbury?

Mr. Williams: Who knows but that if we did not have Kwinana the price of power might have risen.

Mr. Jamieson: If we had a larger Muja, the price might be lower.

The SPEAKER: Order! Order!

Mr. JONES: I quote from *Hansard* No. 8 of 1968, at page 1028. On Wednesday, the 11th September, 1968, I asked the following question of the Minister for Electricity:—

> When the East Perth and South Fremantle power stations are converted to oil burning stations at Christmas, what is the anticipated production costs per unit of power from these stations?

The Minister replied—

> East Perth generating station—estimate at 2.68c per kwh.
>
> South Fremantle generating station —estimate at .96c per kwh.

What actually happened was that in 1969, after the change was made to oil fuel, the cost of power from East Perth power station rose to 5.28c per unit. The Minister will no doubt be aware that shortly after the station was converted from coal burning to oil burning the price of power from that station increased. The question I ask is: What was the advantage in changing the station over to oil burning when the commission was able to provide power at a cheaper rate from that station?

I now refer to the statement made by the Minister that the East Perth and South Fremantle power stations were intended to be standby stations and would be used only in emergencies. On the 31st July, 1968, I asked the following question of the Minister:—

> Is it the policy of the State Electricity Commission to keep the East Perth and South Fremantle oil burning power stations at peak load?

The Minister replied:

> East Perth generating station will be used principally at times of peak load. South Fremantle generating station will be used a little more than this.

That was in 1968, but if we look at the figures of production from those power stations we will find that that policy has not been adopted. Even as late as March, 1969, the figures show that the Bunbury power station was still below the output level of the South Fremantle power station.

It is not my intention to read all the figures, but for the week ending the 19th October, 1968, South Fremantle produced 17.31 per cent. of the electricity, and Bunbury was down to 5.44 per cent.; for the week ending the 26th October, 1968, South Fremantle produced 18.27 per cent., and Bunbury produced 5.16 per cent.; for the week ending the 16th November, 1968, South Fremantle produced 19.19 per cent., and Bunbury produced 7.40 per cent. Reference to all the figures given in the answer will reveal that the policy which was promised by the Minister for Electricity has not in fact been adopted.

We want to know in what way the State benefits by changing stations over from coal burning to oil burning, when the result is that there is an increase in the cost of electricity. One of the main factors that the Government has lost sight of is the fringe benefits resulting from the use of coal.

There is no need for me to remind any member of this House of the benefits associated with the use of a local product in preference to the use of imported fuel. It creates employment, offers taxation advantages, assists manufacturing industries, and one of the main benefits is in relation to the increased efficiency of the Western Australian Government railway system.

If anyone cares to look at the railway line results he will find they show that since the changeover from coal to oil many of the once profitable sections of line are now running at a loss. Whilst I have all the figures with me, I will not weary the House by quoting them all. However, as an example I will mention that the Pinjarra-Bunbury line made a profit of $287,615 in 1965-66, and in 1968-69 it made a loss of $290,920. Not all of that loss can be attributed to the changeover of fuel. However, I think the greater part of it can be attributed to that fact, and I am sure the Minister for Railways would not deny it.

The Brunswick-Collie section provides another good example and gives a clear indication of the reduction. In 1965-66 that section made a profit of $398,249 and the figure for 1968-69 reveals a loss of $48,892. So, whilst it might be considered in some quarters that the use of fuel oil is to the advantage of the State, it undoubtedly has its side-effects; and the

matter of fringe benefits associated with the use of coal were not considered when the changeover was made.

What concerns me—and, no doubt, it probably concerns many people in Western Australia—is why it is necessary to buy power from B.H.P., Kwinana. We have the position where on a number of occasions the Bunbury power station, and others, have not been working at full load, yet at the same time the State Electricity Commission has preferred to buy power from B.H.P. Why is this policy necessary? Here we have a State utility which should be used to the utmost because the figures clearly indicate that the greater the production of a power house, the cheaper is the cost of power.

We have seen the output of a power house belonging to the State reduced whilst, at the same time, power has been purchased from B.H.P., Kwinana. As an example, in the year 1968-69 the Government purchased 63,375,500 units of power from B.H.P. We also find that the Government purchased 57,078,000 kw from B.H.P. in the year 1969-70. The question I ask—and which many other people have been asking, even those not associated with the coal industry—is whether it is right for the State Electricity Commission to reduce the output from power houses under its control, which has the effect of increasing their operating costs, and at the same time purchase power from B.H.P., Kwinana? I consider this is a matter which is worthy of investigation in view of the unknown policies being applied by the Government and the State Electricity Commission.

The member for Bunbury raised the question of the cost of power. No doubt other members will wonder what is the policy being adopted in other States of the Commonwealth and in other parts of the world. I am able to advise the House today of the up-to-date position of the power generation scene in the major countries of the world. Firstly, so that there is no misunderstanding, perhaps we should look at the American scene. I do not want to seem repetitious: I referred to this matter earlier, and I will refer to the figures later in my submission. A large power station was to be constructed at Mohave in America and it was intended that it should burn millions of tons of coal. According to a report which appeared in the *Time* magazine—which I quoted in my speech on the 9th October, 1968—coal was preferred to oil or other fuels because coal-generated power costs about 60 per cent. as much as that produced by a nuclear plant, and at least 10 per cent. less than gas-oil generation. The article went on to state—

> Moreover, new, extra-high voltage power lines, such as the ones that will carry current 200 miles from Mohave to San Clemente, Calif., have made long-distance power transmission economically feasible.

The project referred to called for a $500,000,000 agreement between Peabody Coal Co. of St. Louis and the Mohave, Clark County corporation. In a moment I will bring forward further evidence to indicate the American scene.

It is most important to remind the House that the Australian Institute of Mining and Metallurgy in June, 1968, had this to say—

> One Oil Company in the United States has spent 20 million U.S. dollars for coal reserves and research and has recently purchased several hundred thousands of acres of coal bearing land in five states of America. . .

So it is evident that even oil interests in America are buying into the coalmining industry. This is further supported by an article which appeared in the *Coal News* of October, 1969, in which the Chairman of the National Coal Board, Lord Robens, had this to say—

> Cost-conscious American corporations are turning away from nuclear power and are switching to coal, and they do not take far-reaching decisions—with millions of pounds at stake—lightly. Neither should Britain.

Lord Robens was speaking at a world power conference when he made that statement. A survey which appeared in *The Australian*—and I apologise to members for not being able to give the date of the publication—indicates that even Poland is turning to coal for power generation. One of the largest units operating in Poland has a 2,000 MW capacity, and other 500 MW units are presently under construction. A reference to the survey clearly indicates the position so far as Poland is concerned.

Mr. Rushton: Where did you get that information from?

Mr. JONES: From a survey which appeared in *The Australian*. I apologise for not being able to give the date. The survey was in connection with the power generation sources of the world and it clearly indicates the position in the world scene.

The position in Britain is well known and it is not my intention to discuss it to a great extent because a reference to my speech in this House on the 9th October, 1968, when I moved for an inquiry into the greater utilisation of coal clearly shows that there are large-scale coal-fired power houses under construction in that country. A power house is under construction near the Yorkshire coalfield and it is anticipated it will burn 5,000,000 tons of coal a year. Similar units are under construction at Seaton Carew and other places in Britain.

I turn now to the April, 1970, issue of the *Coal News*, which gives a more up-to-date example. The main article clearly indicates that an attempt was made to convert from coal to oil a power station which is under construction. That station will consume 3,000,000 tons of coal a year and the publication clearly shows the attempt was not successful. A further article in the June, 1970, issue of the same publication is headed, "Coal must 'deliver the goods'", and it goes on to support the use of coal. I will quote briefly from that article because oil is mentioned in it and I feel the matter is vital to the argument before the House. The article states—

> Coal must 'deliver the goods'
>
> The immediate challenge facing the mining industry is to prove convincingly that we will continue to deliver the goods—to keep customers in homes and industries supplied so that they stay on coal.
>
> As NUM president Sir Sidney Ford told the North Western miners' conference, customers are not likely to be impressed by alibis, excuses or mistaken forecasts by planners.
>
> Positive action
>
> He called for positive action to get pit productivity moving up again and he is confident it can be done. The only alternative, he warned, would be to lose markets by defaulting on orders.
>
> Certainly no one in the mining industry suggests handing over any of coal's customers to rival fuels —who, in any case, are finding the going very tough these days.
>
> Take oil. Middle East countries, anxious to lift their own living standards, are bluntly telling Western companies that they will have to pay a lot more for crude oil supplies.

The article then goes on to mention an increase in the price of crude oil which is causing even companies in the Middle East great concern.

Perhaps the most important announcement at this point of time appears in the *Coal News* of May, 1970, in which it is reported that in Britain it has been decided to put into operation a $70,000,000 extension plant which means that the methods of coal extraction will be changed and efficiency in the coalmining industry will be increased to meet the world's needs of power generation.

I now come to one of the most important documents in my possession, and I defy any honourable member to challenge the information contained in it. It is a letter dated the 9th July, 1970, forwarded to me by the Chairman of the National Coal Board in England (The Rt. Hon. Lord Robens of Woldingham, P.C., D.C.L., LL.D.) in answer to a letter I wrote to him on the 15th June, this year. Without quoting my letter, I would point out that Lord Robens agrees with the policy of the oil companies in making special deals to gain customers who use coal.

The most enlightening factor, and the one that struck me, was that in relation to power generation throughout the world. Irrespective of what may be said about oil, nuclear power, and natural gas taking over from coal, I can quote figures to show that this is not the position in the world scene. The figures supplied to me by the Economic Adviser's Office of the National Coal Board in Britain, dated the 7th July, 1970, clearly show that the policy being followed by the State Electricity Commission and by the Government in this State is not the policy that is being followed in any other part of the world where coal supplies are available. The figures supplied to me are as follows:—

FUEL CONSUMPTION IN ELECTRIC POWER STATIONS

Million metric tons coal equivalent

	Coal	Lignite	Oil	Natural Gas	Manufactured Gas	Nuclear	Hydro	Total
Germany	33.6	22.0	6.9	1.5	2.4	1.1	6.9	72.9
Belgium	6.2	....	3.2	0.1	3.1	0	0.1	12.7
France	19.9	1.3	4.2	1.6	7.2	2.3	20.0	56.5
Italy	2.0	1.4	13.9	1.8	1.5	1.0	18.9	40.5
Holland	4.7	....	4.6	1.7	2.2	....	....	13.2
United Kingdom	76.0	....	12.9	0.1	5.4	10.4	2.0	106.8
Sweden	....	....	1.9	....	....	0	21.2	23.1
Canada	7.0	3.5	1.6	2.9	....	0.3	60.3	75.6
United States of America	264.2	3.4	39.0	111.2	....	5.5	98.0	521.3
Japan	23.6	....	28.2	....	4.4	0.4	32.9	89.5

Mr. Rushton: What do they use in Iceland?

Mr. JONES: I did not have sufficient time to obtain figures from every country. I sought information and the figures I have quoted are fairly broad estimates of fuel consumption in electric power stations in the world scene.

Now let us have a look at the relativity between the United States of America and the United Kingdom. These are two of the biggest power producing countries in the world and it is found that the relative position is the same. In the United Kingdom 76,000,000 tons of coal, and 12,900,000 tons of oil are consumed, and in the U.S.A. 264,200,000 tons of coal and 39,000,000 tons of oil are consumed. These are not my figures. Their source is "OECD 'The Electricity Supply Industry'—19th Enquiry" in Great Britain. They are very up to date and I do not think any honourable member on the other side of the House, not even the Minister for Electricity, can say that these figures are not reliable; because, in my opinion, they clearly show the policies that have been followed in other parts of the world.

The countries mentioned are not worried about the capital cost of power houses. They are using coal, and this is one of my bases for asking that a Royal Commission be appointed to inquire into what is going on in this State. As I said in my opening remarks, nowhere can we find oil being used as a fuel when coal is available at an economic price.

Whilst I do not have any information regarding the price of coal in America, at least I have figures showing the price of coal in Britain, and these are most interesting. The average price of all coal supplied to the Central Electricity Generating Board in Great Britain in 1970 was 91s. per ton, which is equal to $9.74, and the average calorific value in British thermal units per pound was 10,500. The average price of coal supplied to the Central Electricity Generating Board from the Yorkshire and North Midlands coalfields—the highest productivity coalfields—was 85s. per ton, which is equal to $9.10 in our currency, and the average calorific value in British thermal units per pound was 10,700.

The prices quoted are pithead prices and do not include the cost of transport to the power station. That is the position. It is very enlightening to say the least. I hope the Minister is taking note of my contribution to this motion, particularly in view of the policies that are being pursued in other parts of the world.

We must ascertain—and let us do it now—the price at which we could obtain Collie coal if given the opportunity. A look at the existing contracts in relation to Western Collieries—and I have a copy of that company's contracts—will show that the price of deep-mined coal is $6.65 per ton for 1971 and $6.79 per ton for 1972.

The Griffin open cut price stays at $4.23 per ton and the average price to the State Electricity Commission is in the region of $4.80 per ton.

This is nearly half the cost of the coal being supplied and consumed by the generating authorities in Great Britain. It is little wonder, therefore, that the mining unions asked me to raise this question.

If this policy is possible in Great Britain, why is it not possible in Western Australia? I will clearly show it is possible in Queensland, in New South Wales, in Victoria, and in South Australia but, for some unknown reason, it is not possible in the State of Western Australia.

Mr. Rushton: How many years' reserve have you with your increased production?

Mr. JONES: If the honourable member will listen he will find out. I will go into that in a moment. What is of great concern to the coalmining unions, the coalmining companies, and myself is the attitude that has been adopted by the Minister and the State Electricity Commission, because they have just not given the coalmining industry an opportunity to compete. I will clearly indicate that this is a fact. I will first quote from questions I asked in this House on Tuesday, the 24th March, 1970. I asked the Minister for Electricity—

> Was the decision made to extend the size of the Kwinana oil burning power station instead of the Muja station at Collie based on economics?

The answer I received was, "Yes." I then asked—

> If "Yes" what were the relative economics?

The Minister replied—

> It would cost $10,580,000 more to add the two units at Muja than it would to add the same effective capacity at Kwinana.

My next question to the Minister was as follows:—

> Were the coalmining companies at Collie approached to ascertain the price of coal if Muja was to be extended instead of Kwinana prior to decision being reached on the extensions?

The answer I received was, "No." It is clear, therefore, that the State Electricity Commission did not go near the coalmining companies in order that they might be given an opportunity to contract for coal if the Muja station had been extended instead of that at Kwinana. I then asked the Minister—

> If "No" why was not an approach made to the coal mining companies?

To this I received the most alarming answer that—

> A firm price for coal could not be obtained to cover the period when the extensions to the station will come into operation—in approximately five years' time. The costs of fuel at the date of the decision were taken into account.
>
> The lower capital cost of erecting an oil burning station at the load centre was the major factor in making the decision.

This will show quite clearly the coalmining companies were never approached at any time. I have evidence of this, because I wrote letters to both coalmining companies on the 19th August, 1970. I wrote to these companies as follows:—

> I should be pleased if you would answer the following questions in writing in order that I might use the information in the proper place:
>
> On Tuesday, 24th March, 1970, I asked the Minister for Electricity if the companies were approached to supply extra coal if Muja had been extended instead of Kwinana prior to a decision being reached on the Kwinana extensions. I received the following reply—
>
> > A firm price for coal could not be obtained to cover the period when the extensions to the station will come into operation in approximately 5 years' time.

A firm quote could not be obtained, but according to the two companies to which I wrote the Government did not even approach them. No approach was made to either company to ascertain whether cheaper coal could have been made available if the Muja station had been extended instead of that at Kwinana. I would now like to quote a part of the reply I received, first from Mr. Blackhurst, Business Manager of the Griffin Coal Mining Company. It is dated the 1st September, 1970, and states—

> Question 1: Would you kindly advise when an approach was made to your company, and by whom, and what your answer was?
>
> Reply: No approach was made by Government instrumentalities.

No approach was made at all. I also received a letter dated the 8th September, 1970, from the Secretary of Western Collieries Limited, which states—

> Our company has never been approached to supply extra coal for Muja in the event of that power station having been extended instead of Kwinana, prior to a decision being reached on the Kwinana extensions.

The position therefore is that the Minister in his answer said that a firm price for coal could not be obtained, and yet we have letters from these two companies to say that no approach at all was made.

It is obvious that nobody from the Government has been near these companies; no-one has said, "If we give you a long-term order for coal, what will be your price?" Would members consider this a fair attitude to adopt in Western Australia where there is supposed to be a democratic Government? Must we accept such a position, particularly when, on the one hand, we have the Minister saying that no firm price could be obtained, while on the other we have letters from the two companies asserting that no approach was made?

I think this is a scandalous situation. I am sure that even members opposite will clearly appreciate the reasons why the miners' union has asked me to move in the manner I am moving.

I think I have clearly indicated in this part of my submission the policies that are adopted in other parts of the world, and I have shown that with the existing coal orders totalling well under 1,000,000 tons a year the price of Collie coal is cheaper than the price of coal in Britain. I have also indicated the huge volumes of coal that are used in Britain and in other parts of the world, and revealed that the coalmining industry in this State has not been given any opportunity to compete for the supply of fuel, should there be a possibility of the Muja power station—instead of the Kwinana power station—being extended.

Turning to the question of productivity in the coalmines, we find that the English mine workers are each responsible for mining only 42 cwt. a day, but in the deep mines of Collie the workers are each responsible for producing six tons per day, and in the open cut they are each responsible for producing 15 tons per day.

I am quite convinced that if given the opportunity and if large orders for coal were available, the coalmining industry at Collie could compete on a world basis to supply coal for power generation.

Mr. Rushton: Would you let us know what you want to achieve for Collie? What do you wish to be the ideal state?

Mr. JONES: Surely my submission up to this point has been very clear. Has the honourable member not been with me?

I know that many members are not conversant with the question of power production and supply, because it is a special subject; but it is a very important matter. If we take into account the availability of large orders, we will readily see the benefits

which the State Electricity Commission and the coalmining companies in Collie can derive. As the Minister well knows, at Vales Point one of the biggest power stations in the northern part of New South Wales has been established. It is operating under coal supplied on 20-year contracts. At Liddell a power station with a planned capacity of 2,000 MW is under construction; and it is also to operate on coal supplied on 20-year contracts. Because of these long-term contracts for the supply of coal the companies are able to offer competitive prices. In this regard in a letter addressed to me it has been pointed that the coalmining companies at Collie are also able to operate on a policy of supplying coal on a long-term basis; that is, if bigger quantities of coal are to be used for power generation.

In this connection, a classic example is the coalmine at Leigh Creek in South Australia. In 1960 the coal production there was 737,468 tons; but we find that last year, according to the 1969 report, the coal consumption in that State increased to 2,142,538 tons. It was possible to increase the consumption in South Australia, and this type of coal is much inferior to Collie coal. The calorific value of Leigh Creek coal is 6,500 B.T.U's. as compared with 9,500 B.T.U's. in the case of Collie coal.

Futhermore, the Leigh Creek coal deposits in South Australia are 165 miles from the power station, and the coal has to be transported that distance. Despite this disadvantage, the Electricity Commission of South Australia was able to use 2,142,538 tons in 1969. The reason I am mentioning this is that both of the coalmining companies in Collie have indicated to me that if given the opportunity they could bring down the price of coal to be supplied on long-term orders. The Minister would know that under the present contract the price for the supply of open-cut coal by Western Collieries is $1.97 per ton. Without consulting the company, nobody knows how much coal it has available at this price. The reason that nobody knows is that no-one has approached the company to ascertain whether it could make available more coal at that price.

As the company is able to offer several hundred thousand tons of coal at this price, it is possible that it can also make available additional large volumes at a similar price. It is clear that the coalmining companies in Collie have not been given the opportunity to supply more coal, and that is why I am moving for the appointment of a Royal Commission into the State Electricity Commission and its power policy. Without going into great detail, I think I have shown the position which exists in other parts of the world.

I would now like to refer to the Australian scene, because I do not want it to be said that the policies being implemented by the Government in Western Australia are followed by other States where coal reserves are available. Firstly, I refer to the 22nd annual report of the Joint Coal Board for the year 1968-69. Members will appreciate that the Joint Coal Board was set up by the New South Wales Government to look into the question of power production, in respect of which it is recognised as an authority. The board not only obtains information from New South Wales, but also looks at the world scene. It is regarded as an authority on power generation.

It is very pleasing to read what the board has to say about the coalmining industry in respect of power generation. I quote, firstly, from page 16 of that report—

> Within New South Wales, coal consumption for electricity generation increased to 6,625,000 tons. This was predominantly unwashed coal. The iron and steel industry within New South Wales used 7,042,000 tons on an "as received" basis, or 5,628,000 tons on a washed coal basis. This was slightly less than was used in 1967-68.

This shows that in the last 12 months there has been a marked increase in coal usage by the authorities in New South Wales for power generation.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. JONES: Prior to the tea suspension I had indicated to the House the reduction in the use of coal in power houses in New South Wales. However, I omitted to mention a matter which I feel is important in connection with the opportunity given to the coalmine companies to compete for orders on a long contractual basis.

I indicated earlier that, under the terms of its contract, Western Collieries Ltd. is now supplying open-cut coal to the Government at $1.97 a ton. I realise that there is a limit to the amount available at this price, but no-one knows how much coal would be available at perhaps a slightly increased price. It is very interesting to note that in my letter to the companies on the 19th August I inquired about their known resources of coal in the area, and Western Collieries Ltd., which is the company supplying the coal at $1.97, replied as follows:—

> Our estimation only of the reserves of open-cut coal at Collie is 10-15 million tons in leases already held by us and others that were recommended be granted by the Warden at the hearing last October/November. We cannot advise a price for which coal could be made available on a long term basis.

I purposely queried this to find out the difference in cost of coal to the commission if contracts were granted on a long-term basis as is done in the rest of Australia and

other parts of the world. In answer to the same query, the Griffin Coal Mining Co. Ltd. replied as follows:—

> If a lengthy contract for a substantial increase in the tonnage was received, a really worthwhile reduction would result.

It will be appreciated that because of competition the companies will not disclose the price at which they would make coal available. However, it is quite clear that with Western Collieries Ltd. supplying at the price it is, and with the information that it has known resources of 10,000,000 to 15,000,000 tons of coal, together with the information that Griffin would offer a sizeable reduction on a long-term basis, the commission or the Government did not adopt the correct procedure because it did not approach the companies in relation to the price of coal on a long-term basis before a decision was made to extend again the capacity of the Kwinana station.

I feel this is very important because had the coalmining industry been given the opportunity to compete, no doubt the fuel bill for the commission would have been drastically reduced. In my opinion the situation is a clear example of unfair competition, and plays into the hands of the oil companies.

Prior to the tea suspension I was dealing with the increased price of coal in power generating systems in Australia. I now wish to refer to the position in New South Wales because, as I have already indicated, in requesting the appointment of a Royal Commission one must give some thought, firstly, to the policies in other parts of the world and, secondly, those closer to home, and examine the position in the national scene.

Firstly I will quote from page 20 of the Joint Coal Board report, as follows:—

> New Power Stations
>
> With Munmorah power station (1,400 MW) nearing completion, and with substantial development proceeding at Liddell (2,000 MW), the Electricity Commission of New South Wales is proceeding with further additions to its capacity to generate electric power from coal.
>
> A contract has been let for a 500 MW pulverized coal-fired steam generator to be installed at the Wallerawang power station (existing capacity 240 MW). Work on the site will begin in 1971 and the plant is expected to be brought into commercial use in 1975.
>
> The Vales Point station (875 MW) is to be expanded by two additional units of at least 500 MW each. These new units being added at these early coal fields stations will be more efficient than the older units, and will tend to be used for base loads with the older units being relegated to occasional use when load is particularly high, or when other plant is down for maintenance.

The following paragraph refers to an announcement made by the Minister for Local Government in the New South Wales Liberal Government:—

> More recently the Minister for Local Government, the Honorable P. H. Morton, M.L.A., has announced that a site at Eraring on Lake Macquarie was suitable for future large scale power plant development.

The report further states—

> All these stations will be supplied from large deposits of steaming quality coal. Modern mining methods will allow this coal to be won economically and ensure that in New South Wales bulk electricity will continue to be available at low cost and in adequate quantities.

This clearly shows that even in New South Wales the emphasis is on coal-fired power stations instead of oil-fired power stations, which is the policy in this State.

On page 115 of the same report it indicates that with the expansion programme at the Liddell power station to the north it is expected that the demand will ultimately reach 6,000,000 tons per annum, indicating that if given the opportunity coal can hold its own with other fuels.

It is reported on page 116 of the report that Taiwan is also importing coal from the western districts of New South Wales for the purpose of power generation, clearly revealing that coal is still being preferred, contrary to the policy being introduced into this State.

The views of the Joint Coal Board on the future markets in New South Wales are most interesting, to say the least, and the following comments are to be found on page 124:—

> As mentioned in Part II and elsewhere in this Report, construction is under way or plans have been announced for major increases in the capacity of New South Wales coal-fired power stations. A large increment of hydro-electric power is expected to become available in 1972-73 . . . It is estimated that steam power generated by power stations operated by the Electricity Commission of New South Wales will increase by 55 per cent. between 1968-69 . . .
>
> By the mid 1970's, coal consumption for power generation will be increasing at a rate of one million tons per annum.

At the rate of 1,000,000 tons per annum! This again is a clear indication that coal is being given the opportunity and is able to compete with other fuel.

For the information of members, the cost of coal in New South Wales is $5.72 per ton. The calorific values are slightly higher than that of Collie coal, which is 9,500 B.T.U's. The calorific value of the Lithgow seam is 11,369 B.T.U's.; the Great Northern, 11,950 B.T.U's.; and the Liddell 12,950 B.T.U's. As I have already said, the average price for coal in New South Wales is $5.72 per ton.

I would now like to refer briefly to *The Electricity Supply Industry in Australia Report, 1968-69*. It is an electricity authority report published on behalf of all the power systems in Australia, and it outlines the policies being implemented in each State, including Western Australia. The report indicates that the extension of power by wire, on the American system, is not becoming a problem. I recall that earlier this session I requested the policy of the State Electricity Commission in this State in relation to extending power to Kalgoorlie and other towns in that area. The answer I received was that the area was catered for by diesel plant. If we look at the opinion of the electricity authorities we find the following:—

> Major transfers involve the building of special high tension transmission lines, as have been provided under the arrangements whereby power from the Snowy Scheme is fed to New South Wales and Victoria through 330 kV transmission lines linked with the transmission networks of the two States. This connection of the State systems through the Snowy Scheme enables substantial transfers of power between New South Wales and Victoria.
>
> Ultimately, it can be expected that interconnection of the State systems will be extended to include Queensland and South Australia but it is unlikely that Western Australia will be linked electrically with the Eastern States, at least for a very long time.

The electricity supply industry in Australia is of the firm opinion that it is now possible to transfer power by wire over long distances.

Touching now on the position in Victoria, I will again quote from page 9 of the report as follows:—

> About 94% of the total electricity generated by the State Electricity Commission is produced in power stations burning brown coal or brown coal briquettes, 5% in hydro stations, and the remainder (about 1%) by plant which uses black coal or fuel oil.

It is clear that the policies applied in other parts of the world are also being applied in Victoria. I will now refer to a report on the electric power resources of Australia, which reads as follows:—

> Of great importance for the maintenance of the power industry are the indigenous resources of black coal in New South Wales and Queensland, the brown coal in Victoria, and subbituminous coal in South Australia and Western Australia. Without an assured supply of these fuels, the amount of power which could be generated without extensive imports would be very small indeed.

That clearly indicates the emphasis the authority puts on the importance of coal for power generation. Oil is used, to some extent, in some States. The report continues—

> Oil is used, to some extent, in all States, but usually because other fuels are in short supply or, in special instances, because it is cheaper than coal. There are now indications that by 1971 about 60% of Australia's crude oil requirements can be supplied from indigenous oil fields. The oil found to date, however, has been a lighter grade than imported crude and it appears that when full scale production begins, a lower proportion of the heavy residual fuel oil used in power stations could be available than exists under present conditions.

It will be recalled that I referred to this point earlier in my submission. Nobody knows the position regarding the amount of oil which will be available in Australia, despite the research which is taking place. The report continues, and indicates that Victoria is extending the plant capacity to 1,600 MWs.

The report also shows the position in Queensland. It is true that there are some oil-burning power stations in Queensland, but as the report clearly indicates the main concentration is on coal. Another power station is planned at Gladstone for commissioning in 1974-75.

So it will be seen that the position is much the same in Queensland. South Australia has decided to build an oil-fired power station only because that State has limited resources of suitable coal. Leigh Creek has certain limitations, and the electricity authority in South Australia is changing its policy because of those limitations. In 1969 some 700,000 tons of coal from the Leigh Creek field were used for power generation. However, in 1967 some 2,400,000 tons were used. Those figures indicate the policy of the electricity authority in that State.

The Minister for Industrial Development stated tonight that the price of oil was not known in any State of the Commonwealth. I suggested that the Minister should do his homework. I will quote from the 32nd annual report of the State Electricity Commission of Queensland, where

the price of fuel oil is quoted. I will quote from the annual report of The Capricornia Regional Electricity Board. The figures are staggering and they give the quantity of fuel used, the cost of the fuel consumed, and the average cost of fuel per ton. At Callide, the average cost of coal per ton was $2.475, and the average cost of oil per ton was $33.871. The average cost per ton of coal at Rockhampton was $9.649, and the average cost per ton at Western Towns was $5.146 for coal, and $43.761 for oil. The cost of oil at Bluff was $57.208 per ton, and at Wandoan/Taroom, the cost was $53.371 per ton.

Those figures indicate clearly that the price of oil is made known in Queensland. The concession which the Western Australian Government receives from the oil combines apparently is not enjoyed by the electricity authority in Queensland, because the price in that State is $53 per ton for fuel oil. The other figures I have quoted show that the price is nowhere comparable with the price of coal. The report also shows that the average cost per ton to power stations in Queensland is $9.18. I am sure members will appreciate the point because the price of fuel oil is made known by the electricity authority in Queensland.

I will refer briefly to the New South Wales Electricity Commission report for 1969 to show that power houses located on coalfields produced 93.6 per cent. of the energy of all commission power stations and 95 per cent. of the output of the steam power houses. The total energy produced from steam power houses increased by 7.81 per cent. during the year.

The report of the Victorian commission shows a similar pattern. The Joint Coal Board report shows that extensions are being made to the coal-burning station at Yallourn, and it is anticipated that very shortly the energy produced by coal-burning stations in Victoria will be 2,900 MWs.

It clearly indicates that the policies adopted are similar to those referred to earlier this afternoon when mentioning the figures supplied by Lord Robens of the National Coal Board.

To conclude my comments on a State basis, a rather alarming announcement was made in South Australia. The statement concerns the economics of natural gas and I wonder whether these are fully known. The Electricity Trust of South Australia made a statement on natural gas on page 6 of its 1969 annual report. It said—

> The cost of natural gas will be below the cost of fuel oil but higher than the cost of Leigh Creek coal.

This poses an extremely important question now that we know the State Electricity Commission is to use gas turbines at the Kwinana power station. It has been clearly stated that, so far as South Australia is concerned, natural gas will be cheaper than fuel oil but more expensive than the cost of Leigh Creek coal.

The point I am making is that Collie coal could compete equally with coal from the Leigh Creek field if it was given the opportunity of a long contractual basis. It is true to say that the coalmining industry has not received the attention it should have received from the Government. Reference to the report of the South Australian Electricity Trust shows that the Government in that State has introduced special freight rates. I will not go fully into this question except to say that members know that special concessions apply to the transport of bauxite, for example, from Serpentine to Jarrahdale. The distance involved is 32 miles and a freight of 54c per ton is charged. In South Australia coal from Leigh Creek is transported 160 miles to the power station at a cost of $1 per ton. Because of this, usage of coal rose from 735,232 tons at the 30th June, 1959, to 2,142,538 tons at the end of June last year.

The Government in this State has granted special freight concessions for the cartage of iron ore and bauxite but it has not granted any great concessions for the cartage of coal. The distance from Collie to Bunbury is 42 miles by rail and it costs $3 per ton to transport coal. This freight rate in no way compares with the freight rates which have been given for iron ore and bauxite. Further, it does not compare with freight rates in South Australia.

If a freight concession were given, I consider the Bunbury power house could be upgraded to a burn of 469,000 MWs instead of a contemplated burn of 140,000 next year. Unless some effort is made the Bunbury power station will not be upgraded but will be used only to part capacity because of the high freight rate of $3 per ton over a distance of 42 miles. Some investigation should be carried out to give the same concession for the cartage of coal as this Government has given for the cartage of iron ore, bauxite, and other minerals.

In calling for a Royal Commission the Opposition is concerned about the ultimate amount of power which will be available by oil-fired generation. The figures I have obtained indicate that power produced from coal in this State will be only approximately 17 per cent. of the total power produced when the final unit is constructed at Kwinana. This is an extremely low figure, to say the least. It means that 17 per cent. of the total output once the last unit comes into production will be the whole of the power that is fed into the grid system from coal-fired generation. The Opposition is concerned over this

policy which is the complete opposite of policies enunciated in other parts of the world, as I mentioned earlier this evening.

I now wish to refer to the matter of coal reserves. I wonder whether the Government has changed its policy because it is not aware of the extent of the coal reserves at Collie and the price at which coal could be supplied to the Government on a long-term basis. The Government's attitude suggests that it does not know the extent of coal reserves at Collie. Doubtless certain sections of the House will agree with that comment.

On Thursday, the 10th July, last year, the Government appointed a committee to examine Western Australia's power needs. It appointed departmental heads and others to the committee.

On the 12th August, 1970, I asked a question of the Minister for Electricity and, in reply, the following information was given:—

> A firm of consultants has been engaged to make a report on the fuel and energy resources of the State, and this report will include Collie coal.

This is an extremely good move. What concerns me is that one of the consultants has publicly indicated his concern that the coalmining industry was not given the opportunity to compete on prices before the decision was made to extend the Kwinana power station.

The Minister for Electricity apparently does not know the extent of the coal reserves at Collie. This is borne out by a statement he made on the 20th November, 1964. I doubt whether he has changed his mind since. At that time the Minister was reported in *The West Australian* under the heading, "30 years left for coal, says Nalder" as follows:—

> The known deposits of economic coal at Collie would last only about 30 years, Electricity Minister Nalder said yesterday.

The Premier also expressed an opinion in reply to a question asked on Thursday, the 23rd September, 1965, by the Leader of the Opposition at the time (The Hon. A. R. G. Hawke). The question was—

> In view of the fact that Consulting Mining Engineer Marshall and other coalmining engineers at Collie disagree with the statement by the Minister for Electricity as published in *The West Australian* on the 20th November, 1964, in which he claimed known economic deposits of coal at Collie are sufficient for only 30 years, will he advise—
>
> (1) Has a decision been made to extend the new Muja power station?
>
> (2) If so, what is the extent of the proposed additions and the size of the additional generating units?
>
> (3) If not, will he give an assurance that a comprehensive survey of the Collie coal field will be carried out by the Government?
>
> (4) Will the Government also institute a thorough boring programme to ascertain the approximate total economic quantity of coal available in the Collie district?

The Premier replied—

> (1) No decision to extend beyond four units each of 60 megawatts.
>
> (2) Answered by (1).
>
> (3) and (4) The reserves of both the open cut and deep coal are well known following geological and geophysical examination, drilling, and the mining operations conducted over the years.
>
> The problem is to know at what price this coal can be extracted from time to time.

In September, 1965, the Premier felt that the Government knew the extent of the coal reserves in the Collie fields. It is interesting to note that over the years the Mines Department has changed its opinion on this question. The following estimates have been given:—

		tons
1904	Estimated by Dr Jacks	310,000,000
1916	Estimated by Dr Woolnough	3,500,000,000
1943	Estimated by Wilson	15,000,000,000
1946	Estimated by Elford and Keown	800,000,000
1956	Estimated by Mines Department quoted in Bulletin No. 105, Part 2, on pages 48 and 49, 50 and 51 published in 1958	1,876,000,000
1966	Estimated by Department of Mines by letter dated 30th November, 1966	1,872,000,000
1970	Estimated by the Mines Department in a letter to the South-West Regional Conference dated the 24th August, 1970	1,868,000,000

It will therefore be seen that opinions have varied and, as I said earlier this year, it is doubtful whether anyone knows the extent of the deposits of coal on the Collie mineral field. There could well be another iron ore story.

We were all concerned when the previous Leader of the Opposition, when Premier, applied for an export license for iron ore in order to set up an integrated iron and steel industry in the south-west of this State. The answer from the Federal Minister was that as the reserves were limited, the permit would not be granted. We know the story since that time, and a similar situation could develop at Collie unless something is done. The views of the Minister and the Premier certainly conflict.

We have moved into a new era. In recent years, Mr. C. W. Marshall, who was brought here by the State Government in September, 1960, to carry out a survey of the coalfields, estimated that 80,000,000 tons were available. After his

return to Sydney, he wrote in November, 1964, that he had underestimated the reserves, that the quantity could be 85,000,000 tons, and that there could be another 10,000,000 tons of open-cut coal in the Muja depression.

In September, 1968, both companies wrote a letter to the Press in which they indicated that further reserves had been located on the field. It will be recalled that Hanwright and Western Collieries made overtures to the Government in regard to carrying out certain drilling on the field. I understand that as a result of their application the Government decided to bring in Mr. R. A. Menzies, from New South Wales, and Mr. D. T. Hanrahan to make an examination and recommendations. Those gentlemen recommended that nine bore holes be put down in order to find out whether there was any more coal in the Collie district. They are in the process of being put down at the present time.

The Minister for Mines made a statement to the effect that the Government was concerned about the export of coal. The following reply was given to a question asked of the Minister representing the Minister for Mines on the 19th August, 1970:—

> On a recent visit to Bunbury the Minister for Mines was asked to comment on a statement that had apparently been made to the effect that the State Government was opposed to the export of coal from Collie. The Minister for Mines commented that whilst the State Government would be anxious to have available the cheaper open cut coal for power house purposes, it was not opposed to the export of coal from Collie.

I put it to the House that, on the one hand, the Government is instituting a policy of extension of power generation from oil, and, on the other, the Minister publicly states in the Press that we need the coal for power house purposes. That is why I am making a call for a Royal Commission to inquire into these policies. The highlight of it all is that, even now, the Premier is not sure. The Premier has publicly admitted that he does not know how much coal exists. He is reported in *The South-Western Times* of the 15th September, 1970, as saying—

> We must have confidence in the great natural assets of this part of the country.
>
> People must also think of the development of Collie. He believed Collie had much more coal than the Government knew of.

I do not think anyone will deny that since I have been in this House I have been urging the Government to carry out a comprehensive survey of the coalfield, and implement a proper grid boring programme. Unfortunately, my requests have fallen on deaf ears. As late as the 15th of last month, the Premier said in Bunbury that even the Government did not know how much coal was in Collie. I think this matter is worthy of investigation because, from the comments I have made, it will be seen that conflicting reports are made from time to time, and I think it would be true to say that the Government does not know what quantity of coal is available in Collie for use in power generation or for any other purposes.

Members may not know that in relation to power generation the yardstick that has been adopted by the world is based on heat units. This is mentioned in a statement made by Mr. C. W. Marshall, the consulting mining engineer from Sydney, on the 20th November, 1964. Mr. Marshall said—

> On the evidence now available the Griffin Coalmining Co. already has reserves in excess of 82,000,000 tons. Of this at least 72,000,000 tons, under large-scale production, could be supplied to an adjacent powerhouse at an average of under 2/- per million heat units . . .

That is the accepted scale. If power can be produced for 20c per million heat units, that will be in line with the yardstick that is used for the production of power from coal.

The general manager of Western Collieries made reference to this matter in a report which he was asked to prepare concerning the Collie coalfield. The Government appointed a power committee to investigate the power needs of the State. The committee engaged the services of a firm of consultants; and Mr. Farrell, the General Manager of Western Collieries, was asked for his opinion of the Menzies report. I will quote his views because I think they have application at this point of time. Mr. Farrell's report states—

> One cannot argue with the general tenor of these comments but it is interesting to note that in the current contracts which commenced on the 1st January, the price of deep mine coal was slightly reduced whilst that of the Griffin Company's open cut coal increased 20% to $4.23 per ton.
>
> However, several important aspects require some clarification:
>
> (a) The policy of three year contracts in itself, to my mind, helps to defeat the objects of achieving stability and the optimum in efficiency, particularly from the deep mining side where this segment of the industry has been

faced with an ever declining share of the market. Such a policy hardly provides an incentive to invest in high cost capital equipment in the hope of achieving better productivity, particularly when the S.E.C. themselves did not favour such a policy, their view being that any increase in capital investment would only result in increased costs to them, and in all the circumstances, I think this probably would have been the net result.

(b) It would appear that to a large degree the S.E.C.'s preference for oil has been determined by the availability, or rather the lack of, adequate finance and that the actual cost of generation between the two types of fuel has had very little bearing on the situation. This has become even more apparent and, in fact, admitted by the Minister for Electricity, in the last two months.

This statement is further borne out by the fact that even though the S.E.C. could obtain coal from Muja Open Cut for less than 20c per million b.t.u.'s, oil was still preferred.

He then gives his opinion about the price of oil, which is also relevant to my call for a Royal Commission. The report continues—

(c) To the best of our knowledge, furnace oil would have to be supplied to the S.E.C. at Kwinana at less than $10 per ton to compete with coal at Muja and bearing in mind the price for bunkering oil throughout the major ports of Australia ($19.56 at Bunbury) at the present time, it is hard to visualise this price being maintained when the quantity of furnace oil is insufficient to meet requirements and all the indications are that this will arise by 1972 when Bass Strait will be supplying something like 70% of Australia's requirements, and it is anticipated that furnace oil will have to be imported into Australia to meet current contracts.

He then deals with the matter of cooling water. I do not think there is any argument about that at this point of time, because sufficient water is available, but it does indicate what Mr. Farrell thinks about the policy adopted by the State Electricity Commission. In conclusion, on the last page of his report he said—

> We agree with the conclusion that the reserves in the field are such that they can easily sustain an increase in production of up to 5 million tons per annum or more and we did in fact suggest this to the Minister for Mines back in November 1968 together with a recommended drilling programme involving a footage of 10,000 ft. or more (to be done at no expense to the Government) in the same areas recommended by Menzies and Hanrahan. In fact, it would seem that the submissions put up by Hanwright and Western Collieries back in October 1968 led the Minister for Mines here to call for an independent report on the prospects of the field generally.

So it will clearly be seen that Mr. Farrell supports my earlier contention that it is doubtful whether Menzies and Hanrahan would have been brought in had not Hanwright and Western Collieries made an approach to the Government. It is evident that the Government is not aware of the situation judging by a submission made by the Premier as late as the 15th September, 1970. He was in Bunbury at the time and he said that the Government thought there may be more coal in Collie than was earlier anticipated—clearly supporting the views I am putting forward tonight in support of a Royal Commission.

I feel that the State Electricity Commission has not accepted its responsibility. It is most difficult to say who is responsible for the policies concerning power generation which are being introduced at the moment or, indeed, who will be responsible for future policies. A reference to the argument which took place in 1967 when a decision was made to extend the capacity of the Kwinana power station will clearly indicate that some members of the commission did not know the price of oil.

So I pose this question: Who is controlling the State Electricity Commission and its policies? Is the commission doing this itself, or is the Government determining the policies that are introduced from time to time? I will quote briefly what some members of the commission had to say. The country consumers' representative on the commission, Albany Mayor Mr. S. H. Knight, said that he did not know the price or the period for which the contract would apply. He went on to say in an article in *The West Australian* of the 16th June, 1967—

> "All I know is that it is cheaper than coal," he said. He thought the price had been negotiated in the past 18 months.

The late Mr. George Severn said that he was not present when the decision was made. Sir Alexander Reid answered questions as follows:—

> Do you know the price of oil to be supplied to the Kwinana power station?—Yes.
>
> What is the period of the contract? —There is no period as far as I know.
>
> Who negotiated the price?—The general manager of the commission and the manager of B.P.
>
> Whose decision was it to expand the capacity of the Kwinana station? —The commission's.
>
> Why do all members of the commission not know the price of the oil? —They do.

So we have statements that Mr. Knight, and the late George Severn were not aware of the price, and further reference to this article indicates that Sir Frederick Samson also did not know the price. Yet the commission was expounding a policy for the use of oil-fired power generation units when members of the commission were not aware of the decision and why it was made.

Mr. Speaker, you yourself will know that my predecessor, Mr. Harry May, and I have asked many questions in this House concerning the price of oil and on every occasion the Government has refused the information. I wish to make some reference to oil—as far as I am able—realising the question is most secret and it is hard to obtain firm prices; nevertheless I have some information here to which I intend to refer.

However, referring back to the State Electricity Commission one of the facts which disturbs me is that in November of last year the coalmining union, in conjunction with The Hon. T. O. Perry and myself, met the Minister for Electricity and the General Manager of the State Electricity Commission (Mr. Gillies) to discuss the policies of the commission. We requested that the Muja power station be extended, and I asked Mr. Gillies what was the anticipated price of power production at Kwinana. He replied that he did not know and that the question of price was a matter for the Government. I said to him, "Surely it is in the interests of yourself as general manager to know the cost of power before you involve the State in all this expenditure at the Kwinana station." The answer given to the deputation was that the cost of power generation was a matter for the Government to decide and not the S.E.C.

So it is quite apparent to me that the S.E.C. makes decisions when it suits it, the general manager makes decisions when it suits him, and the Government also makes decisions when it suits it. This all points to the necessity of a Royal Commission to get to the bottom of the policies which, in my opinion, are acting against the interest of the State. I would like to refer briefly to the investment section of *Rydge's Journal* of March, 1968. I quote—

> The greatly reduced prices for fuel oil sold on all Australian markets particularly those serviced from New South Wales necessitated reduction in the price of coal to home markets on a short term basis to a point where some of this trade became unprofitable.
>
> However, as we feel that the Commonwealth Government must soon fall in line with all other countries in introducing a national fuel policy it would be in the interest of our shareholders to hold these markets rather than lose same for all time to fuel oil.
>
> On August 25th this year the oil companies increased the price of fuel oil to all consumers irrespective of the price being paid at the time of $2.40 per ton which represented an increase of 20% on the last price quoted.

So, that was an increase of 20 per cent. in March, 1968. If we look at what is happening in regard to Government instrumentalities, we find that there has been no price increase at all, because I asked the following question of the Minister for Railways on the 20th August:—

> (1) When were diesel engines first brought into service in the W.A.G.R.?
>
> (2) What was the cost per ton of oil at that date?
>
> (3) Has there been any increase in the cost of oil since that date?

The Minister for Industrial Development, on behalf of the Minister for Railways, replied as follows:—

> (1) "Y"-class (shunter) the 28th October, 1953.
> "X"-class (main line) the 8th March, 1954.
>
> (2) $40.50 per ton.
>
> (3) No.

So, as far as the Government is concerned —and particularly the railways—there has been no increase in the price of fuel oil since the Railways Department first commenced to use it in 1953. The same position applies in relation to Kwinana, because the Leader of the Opposition asked the Minister for Electricity the following question on the 11th August:—

> (1) On the occasion of the most recent price rise in motor spirit was the price of fuel oil supplied to the Government also increased?
>
> (2) If "Yes" did the increase apply to the fuel oil being supplied for the Kwinana power station?

(3) By how much was the price of fuel oil increased?

The Minister replied, "No." Therefore it is quite clear that as far as the S.E.C. is concerned no price increase has applied to Kwinana. There has been no increase to the Railways Department and no increase to the East Perth or South Fremantle power houses, as was indicated in a reply to a question I asked the Minister for Electricity on the 12th August. It is evident that an agreement exists between the State Electricity Commission and the Government, and in my view the oil and lubricant distributors are subsidising the bill.

To support what I say, I quote a letter which was supplied to me by Mr. David Johnston of BP on the 20th August this year which indicates the following prices:—

Marine Fuel Oil

Port of Bunbury—$20.49 per ton.

This item was increased by $1.00 per ton to $19.56 in May, and by a further 93c per ton in June, 1970.

Furnace Fuel Oil

Perth—$26.35 per ton.

Please note this price has not been increased in the past two years, one ton being equivalent to 238 gallons.

Heavy Duty Diesel Fuel Oil (as used in bakeries and other small furnaces, in Perth)—$43.05 per ton.

Mr. Williams: Is that the same sort of fuel oil as is used in power stations? Fuel priced at $26.25 is the type used in power stations and you can get it cheaper than that if you so desire.

Mr. JONES: The honourable member will have his opportunity to speak in due course. Continuing—

This was increased by $2.64 per ton on 19th June, 1970, one ton being equal to 264 gallons.

I realise there are different grades of oil. I have studied the subject a little, despite the views expressed on power generation by the competent member for Bunbury. I know there are different grades of oil, but would it be wrong to assume that because one lubricant is quoted at a certain price the same price should apply right throughout the market? Would any honourable member on the other side of the House argue with that statement?

Mr. Williams: Why quote $46-odd a ton, because the type of fuel used by the State Electricity Commission would not be at a price greater than $26.30?

Mr. JONES: I quoted furnace oil and marine oil and if the honourable member had been listening he would have heard me.

Mr. Williams: You placed particular emphasis on the higher priced fuel.

Mr. Fletcher: They charge more for one to offset the price of the other.

Mr. JONES: Even the price of oil used for home heating has increased. I have indicated in this House that it is very difficult to obtain from the Government the price of oil. The Government is very secretive and one can understand why. As I have said, those people who use oil for heating their homes are paying extra for fuel oil. I have dockets here to show that on the 11th July, 1969, the price of oil for heating was $12.54 for a 44-gallon drum. On the 12th June, 1970, the price was $13.90, but on the 16th April, 1969, the price was $12.82.

Of course, examining the position a little further, the special price for oil does not apply to the Metropolitan Transport Trust, because in a newspaper report dated the 19th August, dealing with the Federal Budget, the following appeared:—

MTT deputy-chairman G. A. Shea said the fuel price increase will add about $75,000 to the annual cost of the Trust's operations.

I repeat: Is it unreasonable to suggest that the average user of lubricant is subsidising the extra special deal between this Government and the oil companies? The figures issued by the Joint Coal Board of Australia in its twenty-first annual report, 1967-68, show that the price of oil had increased by 50 per cent. The report had this to say—

Pressure on coal consumers from the oil companies for conversion of plant to oil has ceased. Furnace oil prices have increased and some firms which had installed oil fired boilers are finding them uneconomical at the new oil prices. An increase of 50 per cent in oil prices has been noted over the past three years.

My final reference is to nuclear power. There are divided opinions on nuclear power. I notice that the views of Lord Robens do not conform with the views of other experts. He expressed the view that power produced from nuclear power was little cheaper than that produced by coal-burning plants.

I know that a decision has now been made to erect the first nuclear power station in the Eastern States. We must learn from the experience of other countries because there are dangers associated with nuclear power stations. The following was published in *Common Cause* dated Saturday, the 22nd August, 1970:—

Dangers in Nuclear Power Stations

The influential magazine "Science Journal" has sounded a warning on the dangers that can arise from nuclear power stations.

> The American nuclear expert, Dr. Frank Barnaby, who is executive secretary of Pugwash, the international organisation of scientists, warns in an article in the journal that the radio-active waste from nuclear power stations will eventually equal the level which would be produced by an all-out-nuclear war.

Further, in *The West Australian* of Monday, the 5th October, 1970, a similar warning is given by Mr. R. W. Stanford, who is head of the Royal Perth Hospital Department of Medical Physics.

I do not know how the Minister for Industrial Development could make the statement which was reported in *The West Australian* of the 12th August, 1970, because the following article appeared in *The West Australian* of the 5th August, 1970:—

> Nuclear power in doldrums, says survey.
>
> The nuclear energy industry appeared to be in the doldrums in most parts of the world, the Economic Advisory Service said yesterday in its latest bulletin.
>
> The bulletin, published by W. D. Scott and Co. Pty. Ltd., said that in Europe the co-operative nuclear venture had dissolved.

The article containing the statement made by the Minister for Industrial Development had the following heading:—

> Court sees N-power by 1980 in N.W.

No doubt he has some information that is not available to the source to which I have just referred.

The question of pollution must also be considered, because it is very important. Is it wise planning to place all our eggs in one basket, as the saying goes? It is not only a question of pollution, but it would be far easier to establish various power units in country areas and near the coalfields where pollution problems would not arise to the same extent as they would in the metropolitan area. It cannot be denied that already in the metropolitan area we are faced with pollution problems. In my view extending the capacity of the Kwinana oil-burning power station is not in the best interests of development in this State and, as I have said, we are following a policy of having all our eggs in the one basket. Such a policy would not be wise, especially in wartime. During a time of hostilities, 910 MWs situated right in the metropolitan area could mean that our electrical power supplies could be completely cut off.

Summing up, I consider, firstly, that I have proved that in other parts of the world coal is preferred to any other type of fuel. As I mentioned earlier, according to the figures supplied to me by the Electricity Generating Board in the United Kingdom, coal far outweighs any other fuel in the principal countries of the world, particularly in the United States, where, in 1968, 264,200,000 tons of coal and 39,000,000 tons of oil were used for power generation. Also, in the United Kingdom, in the same year, 76,000,000 tons of coal and 12,900,000 tons of oil were used for power generation. This clearly indicates that the policies that are being introduced in this State are not in line with those on the world scene and the policies that are being implemented in the other States of the Commonwealth.

I would point out to members the following refineries located in the various States of the Commonwealth:—

> Shell Refining (Australia) Pty. Ltd.—Clyde, New South Wales; Geelong, Victoria; Altona, Victoria.
>
> Petroleum Refineries (Australia) Pty. Ltd. (74 per cent. Mobil, 26 per cent. Esso)— Port Stanvac, South Australia.
>
> Australian Oil Refining Pty. Ltd.—Kurnell, New South Wales.
>
> Boral Limited—Matraville, New South Wales.
>
> Ampol Refineries Ltd.—Fort Lytton, Queensland.
>
> BP Australia Ltd.—Kwinana, Western Australia; Westernport, Victoria.
>
> Amoco Aust. Pty. Ltd.—Bulwer Island, Queensland.

The question I pose is: If it is possible for oil to be produced at a special rate, why are not the prices given for oil as they are in other States of the Commonwealth? The lack of this information clearly indicates to me that a deal has been made. That is why the Government has shrouded the price of oil in secrecy. To me, this is unfair to competition, because the oil companies are well aware of the price of coal, but the coal companies are not aware of the price of oil. I fail to see how this is fair competition.

The Government prides itself on being a free-enterprise Government. If it is honest in its statements, why does it not reveal the price it is paying for fuel oil in order that everyone may know the true position? Another point I make in conclusion is that I find it hard to understand why the Government is prepared to make a special concession in regard to the transport of coal for export orders, but it is not prepared to make the same concession on the transport of coal consumed by the State Electricity Commission.

As I mentioned earlier, in 1965 the Bunbury power house was consuming 469,000 tons of coal, and the transport cost from Collie to Bunbury—a distance of 42 miles—is $3 a ton. At the same time, however, the Government is prepared to make an offer to the coalmining company to cart 500,000 tons of coal on the same line for

$1.75 a ton. If the Government can make this offer to assist the export trade of the companies, why cannot a similar offer be made for the coal consumed by the State Electricity Commission?

Mr. Court: That was only because there were special conditions involved.

Mr. JONES: What were the conditions?

Mr. Court: The coal companies could get the same treatment on freights as that applying to iron ore or bauxite if they are prepared to meet the same conditions.

Mr. JONES: Why cannot the State Electricity Commission meet the same conditions?

Mr. Court: I thought you were going to tell us something new; this is an old record, and it is now beginning to scratch.

Mr. JONES: I have told the Minister something new. The Minister said the price of oil was not disclosed, but it is disclosed in Queensland. The Minister must have learnt something.

Mr. Court: You read the Queensland report again.

Mr. JONES: As far as I am concerned, I think the question of concessional freights should be extended to the State Electricity Commission, as is being done for private enterprise.

The New South Wales Liberal Government is not embarking on the same policy as our Liberal Government. In the *Daily News* of the 8th May, 1969, there is a report by the New South Wales Minister for Mines, Mr. W. C. Fife, which is headed, "Coal Can Compete, says N.S.W. Minister." The New South Wales Minister also said that coal has a bright future for power generation.

If this is so in the case of New South Wales, I consider it should certainly be possible here. *The West Australian* of the 28th November, 1969, carried an editorial headed "Power Policies" in which it stated—

> There may be several compelling reasons for the decision, including the price of coal. But till the Government unfolds its power policies for closer scrutiny, the public will be at a disadvantage in assessing its latest decision.

I know the Government will argue the question of capital costs. There are fringe benefits associated with coal. Capital costs do not concern other power authorities in the world, so why should they concern us in this State?

In *The West Australian* of the 13th November, 1968, we find the Minister for Industrial Development promoting the State's products and urging the public to buy W.A. goods. Why does not the Minister apply the same principle and the same thinking to the coal industry? In that same newspaper we have a photograph of the Minister in all his glory. I cannot understand why he does not apply this same type of thinking to the coalmining industry.

I will be anxious to hear the views of the Minister because I know that for the most part he has not listened to what I have had to say. There is little doubt that the coalmining industry has very real cause for complaint.

Mr. Nalder: I know the story by heart.

Mr. JONES: As I have pointed out, the coalmining companies have not been consulted in the matter, and I will be anxious to hear what the Minister has to say when he speaks to the debate.

Debate adjourned, on motion by Mr. Nalder (Minister for Electricity).

BERNARD KENNETH GOULDHAM

Compensation: Motion

MR. BERTRAM (Mt. Hawthorn) [8.35 p.m.]: I move—

> That this House is of the opinion that the contents of the affidavits of—
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> Julian Hymanson, sworn on the 4th May, 1967,
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> Blanche Dora Hymanson, sworn on the 11th May, 1967,
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> Harry Lezar, sworn on the 29th May, 1967,
>
> Desmond Derepas, sworn on the 20th November, 1967,
>
> and the statutory declaration of Alan Jabe Bona Dodd, made on the 2nd October, 1970, are of such a nature as to justify the Government re-considering the question of payment of compensation to Bernard Kenneth Gouldham, and this House requests that action be taken by the Government accordingly.

Those who desire to acquaint themselves with something that happens to touch very much on the question of justice—as something, perhaps, distinct from law—may do so by reading in the 1969-70 *Hansard* the Gouldham story as it is known to this House up to this point, at pages 2093, 3367, 3818, and 4031, and the pages that follow in each case. One of those references is to a petition which was presented to this House. In respect of this session, members may see a further reference at page 19—on the 11th August, 1970—when an opinion by Sir Marcus Gibson was tabled for the benefit of the House and, of course, for the benefit of the public.

As a matter of fact, the first time that this House almost debated this case was in May of this year. I think it is fair to

say that in a very real sense the House has never really debated the case at all. In May I moved the following motion:—

> That by reason of the exceptional circumstances involving a miscarriage of justice in the case of Bernard Kenneth Gouldham this House is of the opinion that adequate compensation should be paid to him.

It will be remembered that the Government deleted all the words after the first word which was "That," and substituted in fact a different motion altogether, so that in due time as it passed through this House it read as follows:—

> That in the opinion of this House the Government should re-examine the circumstances of the Bernard Kenneth Gouldham case to determine whether an *ex gratia* payment should or should not be paid to Gouldham: the result of the re-examination to be advised to this House early in the next Session.

In view of the fact that at the time the Government had the numbers, and because the amended motion which I have just read out contained, among other things, the words "the Government should re-examine the circumstances of the Bernard Kenneth Gouldham case" I accepted the amendment—perhaps with some reservations which I indicated at the time, and with other reservations which I noted mentally.

So that we might orient the case, and understand what has happened and what should happen in the future, let us look at the substance of the original allegation against Gouldham. Here I borrow the actual wording in the contribution made by the Minister in May, and recorded on page 4032 of *Hansard* of the previous session. The Minister said—

> Gouldham was charged under section 532 of the Criminal Code with giving an account in writing to Sharrett, for whom he was agent, purporting to show the disbursement of Sharrett's money to a builder for the building of a house for Sharrett, which account omitted to state explicitly and fully that Gouldham had deducted a sum of $400 for himself as a so-called commission from the builder and that such omission was done with intention to deceive.

As I see it, the charge against Gouldham involved two particular ingredients. One was that he, Gouldham, had helped himself to £400 without the knowledge of a certain person, and acted in a way designed to deceive that certain person; and the other was that the certain person was one, Sharrett, in respect of whom it was absolutely imperative to show as being Gouldham's principal. In other words, Gouldham had to be an agent for Sharrett.

As I understand the position, Gouldham has said at all times, and still says, that never at any time was he Sharrett's agent at all. He has had great difficulty in showing this. It may well be that now, in so far as it is reasonable to expect any man to show anything, what he contended was, in fact, the truth. As I understand the position, Gouldham would have succeeded in his defence in the 1961 trial if he had been able reasonably to show either one of these things: firstly, that he did not have an intent to help himself to a secret commission of £400; or, secondly, that in fact he was not Sharrett's agent.

The key witnesses in the trial in about October, 1961, in the case against Gouldham were Sharrett, to whom I have been referring and who was the alleged principal, and one, Victor Emmanuel Trafford. One might ask: Who is Trafford? I shall now seek to explain that. Trafford was either one of the proprietors or the sole proprietor—either way I think it matters little—of a firm known as Lawley Building Company, a firm which built and sold houses.

At the time Sharrett wanted a house to be built, and Gouldham's job was to sell houses for Lawley Building Company for a fee. He had done that before he met Sharrett, and he repeated the deal with Sharrett. He negotiated a contract with Sharrett; I have it here if anyone wishes to see it, and it bears the date the 28th June, 1960. In due time the house was built after the contract had been signed. In any event, Sharrett went to live in the house, and I think he still lives in it.

It will be seen, therefore, that Trafford was very closely associated—in fact, directly associated—with the deal. There was Trafford—call him Lawley Building Company—on the one hand, Gouldham who was selling, in the centre, and Sharrett who was the person seeking to acquire a home from Lawley Building Company.

Even those who have not taken a very close interest in this case will by now have come to know that Gouldham was convicted in 1961; that he appealed shortly thereafter but was unsuccessful; that he served 47 weeks and 2 days in gaol; and that his life was ruined. I trust that members will now also be aware that Gouldham has never accepted defeat. He has at all times said that he was not guilty, and he has not changed his stand at any stage. This being so he did the remarkable thing of conducting a non-stop battle, designed to show to the world that he was, as he says he was, in fact innocent.

We also know that in, I think, 1962 by reason of what had happened to him, Gouldham became bankrupt. This vicissitude and others are already recorded in *Hansard*, and I see no point in repeating a recital of them.

But came about November, 1965, and Gouldham had some sort of break. He obtained employment with the F.A.I. Insurance Co. with which he has been employed ever since, and in which he holds a particularly responsible position. If Gouldham was innocent, as I believe he was, and he has always maintained that he was, then what went wrong at the trial? We know several things went wrong at the trial; but as I have already indicated two men—Sharrett and Trafford—were key witnesses at the trial.

To traverse the position very briefly, Gouldham took steps to establish out of Sharrett's own mouth that he, Sharrett, had not given the true story at the trial. We all know that in due time Gouldham was able to have Sharrett committed for trial, after a preliminary hearing in a Perth court by a magistrate, on a charge of perjury; and subsequently, after some difficulties, Sharrett's case was dealt with in the Supreme Court.

Sharrett was not convicted, because it was held that the statements which were obtained from Sharrett had not been given freely, voluntarily, and so forth. I think that was really the reason the prosecution failed.

Now, the Sharrett episode occurred in the Supreme Court in April and May of 1965. I have already referred to the insurance company with which Gouldham has been employed and is still employed. It so happens that on the 23rd December, 1966, there came into that office for the purpose of transacting some business with it the gentleman to whom I have referred; namely, Trafford. After he had transacted his business he made certain statements of and concerning Gouldham and his trial. The four affidavits to which I have referred, and of which I will give details shortly, covered the happenings at that visit by Trafford and happenings involving Trafford subsequently.

Members are aware that ultimately, in 1969, a Court of Criminal Appeal said that Gouldham was not guilty. In that appeal his counsel did not use the four affidavits to which I have referred. He used another affidavit of a man named Cox and with what he used he won the appeal. So his judgment was sound enough. All he had to do was obtain a finding that Gouldham was not guilty. There was no further task in front of counsel at that time, so his judgment was right. He did not use the four affidavits to which I have referred.

Members will recall seeing the majority decision that Gouldham was not guilty by Senior Puisne Judge (Mr. Justice Virtue) and Mr. Justice Wickham, but Mr. Justice Burt did not agree. However, as I have already intimated, Mr. Justice Burt had no knowledge of the contents of the four affidavits any more than he could have had knowledge of the statutory declaration of Dodd, which was sworn only on the 2nd October, 1970.

I want to get that over clearly. There was no need for the use of the affidavits at that time. There was a case to be won, and it was won. Members will recall that the appeal ultimately succeeded because although a certain statement made and signed by Sharrett and bearing the date the 5th June, 1961, was in the possession of the prosecution, its contents were not made known to the defence.

There was quite sufficient law for the two judges to whom I have referred and who found Gouldham not guilty to justify their saying, "Here is a clear miscarriage of justice and we say he is not guilty."

I have here in my hand what I believe is a photostat copy of that statement which the prosecution had in its possession. If members examine it they will find that it contains three pages of typing and is signed by Sharrett, in front of, I think, from recollection, a fairly senior police officer. This is not an insignificant document, is it? It is hardly the sort of document which would not generally cause one to sit up and take notice of it and treat it with due attention.

Mr. Davies: Was it pigeon-holed?

Mr. BERTRAM: I will leave that for the time being. The important thing was that by inadvertence that document was not made known in 1961. What was worse was that it did not come to the surface, as has already been disclosed on a previous occasion, until the middle or late part of 1969.

I think it is quite appropriate at this stage to mention just very briefly some of the comments made by the judges at that time. Firstly, the Senior Puisne Judge said—

> Where a witness gives evidence in the box on a material issue, and the prosecution have in their possession an earlier statement from that witness substantially conflicting with such evidence, the prosecution should, at any rate, inform the defence of the fact.

Then, going a little further to quote the same judge—

> The resolution of this appeal therefore really goes beyond any simple question as to the applicability of rules as to the disturbing of a verdict of a jury on the ground of fresh evidence. Such rules, as I have mentioned, are based on the assumption of the appellant having had a fair trial. Here the question is whether he should be regarded as having had a fair trial, because through the omission of the prosecution to perform a duty imposed on it in the interests of

> justice an accused person has been deprived of the ability to develop a line of attack on the credibility of the Crown case in a material matter which he should have had. It is apparent that both Sharrett and Trafford—

I would remind members that this judge had no knowledge of the affidavits at the time. To continue—

> —should be regarded as most unsatisfactory witnesses whose fresh testimony could hardly be relied on as justifying such a serious step as interfering with a verdict of long standing.
>
> But I am satisfied that the Crown's failure to disclose Sharrett's statement to Detective Sergeant Lee to the defence at the trial renders this trial unsatisfactory and justifies this Court in quashing the conviction.

The following is a brief extract from what Mr. Justice Wickham said:—

> Whatever obligation the prosecution was under prior to Sharrett giving evidence at the trial it now had a duty to inform counsel for the defence that it held this statement by him inconsistent in a material respect from the impression which the prosecution witness was now creating.
>
> Non-disclosure by the prosecution of the prior inconsistent statement made by Sharrett, by itself, vitiates the trial.
>
> Furthermore, in my view, the strictures on "fresh" evidence, if they apply at all, are not so compelling when the situation arises through impropriety on the part of the Crown. The miscarriage of justice arises from non-disclosure by the prosecution, not from any lack of diligence by the defence and it seems to follow from the view of the Judicial Committee in Baksh that non-disclosure of this sort would fall within the same class as fraud, mistake, malpractice or surprise.

The judge went on to conclude—

> I am mindful of the repeated warnings that justice should be final, but of course there is no such warning about injustice, and the conviction must be quashed.

This brings us roughly to May, 1970, to which I have already referred when I moved a certain motion which was subsequently amended. The first portion of the final amended motion reads—

> That in the opinion of this House the Government should re-examine the circumstances of the Bernard Kenneth Gouldham case.

In my belief and submission—and I would certainly hope that no-one in this House has any other view—that motion meant the Government should re-examine all the circumstances and not a part of them—not a segment of the case, but all the circumstances.

Surely this is the case. I notice the Minister really thought that this was the case on two occasions. At page 4034 of *Hansard*, 1970, the Minister said—

> . . . expresses to the House that the matter should be re-examined by the Government in the light of all the circumstances.

Further, the Minister said—

> . . . but there has been experience of Governments making *ex gratia* payments after they have studied all the circumstances.

The motion was amended in the manner indicated, and was carried on the 14th May, 1970. On the 19th May, 1970, the solicitors for Gouldham wrote to the Minister for Justice as follows:—

> B. K. Gouldham
>
> We are still the solicitors for the abovenamed.
>
> We note the developments in Parliament relating to the question of compensation for Gouldham.
>
> We should appreciate it if you would advise who is to investigate the question of compensation to our client and we should appreciate an opportunity to be heard by the Investigator.
>
> Our client advises that he has a number of submissions to make and a good deal of material to put to your Investigator.

That letter was written on the 19th May, only a few days after the motion was carried; there was no delay. A reply to that letter was received, and it was dated the 26th June, 1970.

Mr. Davies: The 26th June? Was it sent *via* London?

Mr. BERTRAM: The letter is addressed to the solicitors for Gouldham and reads as follows:—

> re: Bernard Kenneth Gouldham
>
> I refer to your letter of the 19th ultimo, seeking an opportunity for Mr. Gouldham to be heard by a person you describe as the Investigator.
>
> Consequent on the opinion relative to this matter expressed by the Legislative Assembly in the recent sitting of Parliament, the Government is to undertake a re-examination of the circumstances of the Bernard Kenneth Gouldham case to determine whether an *ex gratia* payment should or should not be paid to Gouldham.

> Your request has been considered, but it is thought to be inappropriate to the re-examination of the circumstances of the case that there should be an investigation in which Mr. Gouldham should be heard.

That letter was addressed to Godfrey Virtue & Co., the solicitors for Gouldham.

Mr. Graham: That letter was sent by the Minister for Justice?

Mr. BERTRAM: Yes, by the Minister for Justice. Now, who in Western Australia dreamt that that situation could occur; and who in Western Australia thought it would happen in this case in view of what had been said during the debate? I know that certain members had some very grave misgivings, and the member for Belmont made no bones when he told me, and when he told the House—as *Hansard* indicates—that he had grave misgivings.

Other members expressed views as to what might happen, but were we really entitled to imagine that what occurred would take place? Those members who expected that the motion would be treated as it was should, in due course, get onto their feet and explain themselves, because I think it will be most illuminating.

The motion was to re-examine the circumstances of the case. I say, and I believe everyone will agree, that the motion meant all the circumstances. How does one re-examine all the circumstances if the principal of the situation is not heard; if he is bound and gagged and put into isolation? He was not allowed to be heard and not allowed to be seen.

I would also like to know how many members of this House would tolerate this sort of situation if they found themselves in the same position. If a member changed his name, for the time being, to Gouldham, would he accept the present situation and say, "It is jolly bad luck; I have missed out here. I will not say anything to anybody, and I do not expect anybody to speak up for me"? Is that what any member in this House would say?

In my view there is no doubt at all that all the circumstances were to be examined. Any material which Mr. Gouldham had, surely he was, at the very least, entitled to communicate by way of letter. If the examiner had to remain secret—if he had to be obtained from Tasmania or wherever it was—that is one thing. We had to get the best man available, and if he had to be brought from Tasmania that is all right by me. However, surely we are entitled to tell him our side of the case.

If anyone wants further convincing, let us see what the Minister had to say towards the end of the motion when I said something about Gouldham being given the opportunity to get the record straight on certain things. The Minister said—

> Don't you think Mr. Gouldham's solicitors or advisers would send that information to the Minister? I think you are unwise to canvass points like this.

I am not worried about that, because it is not an unfamiliar technique. However, there was the opportunity for Gouldham or his solicitors to supply the information. The solicitors are a reputable firm but when they attempted to do something they got nowhere.

Mr. Court: I think you are really misleading the House, unwittingly, because this was never intended to be a new trial. This was to be a study of the case. They are two different matters.

Mr. BERTRAM: It was to be a re-examination of the circumstances.

Mr. Court: It was not meant to be a retrial and I am sure anyone in the legal profession would be horrified if they thought that the motion meant there would be a new trial.

Mr. BERTRAM: I have never used the words, "new trial," so perhaps the Minister is trying to mislead the House.

Mr. Court: You are trying to give the impression that there should have been a form of new trial.

Mr. BERTRAM: I am not trying to give that impression. If a person is given the opportunity for his situation to be re-examined he should not be bound and gagged. He should be heard, at least in writing if nothing else.

Mr. Court: I am amazed that you, as a legal practitioner, should put forward that proposition under these circumstances.

Mr. Graham: I wonder what was investigated.

Mr. BERTRAM: The Minister will forgive me if I am not disturbed by the fact of his being amazed, because I could reciprocate, from time to time.

Mr. Court: This was not to be a new trial.

Mr. BERTRAM: And I have not used the word "trial" at all. I am talking about a re-examination. Perhaps the Minister is suggesting that we should put only part of the situation before the examiner.

Mr. Court: He was only to examine the circumstances of the case for a particular purpose, in accordance with the undertaking given to this House.

Mr. Jamieson: All the circumstances.

Mr. BERTRAM: Or half of them?

Mr. Court: You wanted an answer which suited you, and not an answer put forward by an independent person.

Mr. BERTRAM: That is perfectly incorrect.

Mr. Court: We have been through this so often before.

Mr. Graham: Only one side was submitted; the Government's side.

Mr. Court: We will deal with this when we reply, but the member for Mt. Hawthorn is quite wrong. I submit that the honourable member handling the motion is quite wrong in advising the House as he is, especially as he is a legal practitioner.

Mr. Graham: He is making out an excellent case.

The SPEAKER: Order! I think the member for Mt. Hawthorn should proceed.

Mr. BERTRAM: In answer to that interjection, of course I would have been delighted if a far more satisfactory result had emerged. I point out that this will not affect my pocket in the slightest. The approach I have taken is, I believe, the proper one. I saw a report of the result of the successful appeal in 1969. Certain aspects of the report seemed to me to justify inquiry. I made inquiries because had I been in a similar position myself I would have expected somebody in this Parliament to make inquiries in the same way that I did. I have done nothing more and will do nothing more in this case, or in any other case, than to put over the facts of the situation to the best of my ability so that a decision may be made by the House which, one hopes, will be proper and fair. That is my approach.

I notice that the Minister has not attempted to answer me, but doubtless he will reply in some detail. The Opposition wants to know why Gouldham's solicitors were not even permitted to send certain papers. My comments will be recorded in *Hansard* and we will await the opportunity for the Minister to reply.

It was stated that no correspondence would be entered into. That is exactly what happened. Although we have had a gentle intimation that the House has heard all this before and that the Opposition is flogging a dead horse, we must ask the question, "What was the result?" One result is the very motion I am now moving. What is the Opposition supposed to do? With the knowledge of what has happened, are we expected to sit back, mum and silent?

Another result is that there has been only partial re-examination of the circumstances. Also, as I have indicated, yet another result is that the examiner was shut off from access to four affidavits which I shall deal with shortly. The former chief prosecutor, aware of the contents of those affidavits, has said that his opinion is unchanged. I quote his words as follows:—

> No person could fairly reach a conclusion as to Bernard Kenneth Gouldham's right to payment of compensation or an *ex gratia* payment without being informed of the facts referred to by me in this declaration and also informed of the facts disclosed in the affidavits referred to by me in the said declaration.

I shall read his declaration later on. That is the expression of a former Chief Crown Prosecutor of long experience.

It has been said that a finding of not guilty does not necessarily mean a finding of innocence. There are some who take this line, but the substantial number of legal men who represent the great bulk of legal opinion will not have a bar of it. Whatever their reasoning may be, I imagine one reason is that a man is innocent before he is charged and if he is charged, but acquitted of the charge, then he is back to where he was before; namely, he is innocent.

How many people who have been euphoniously referred to as "Joe Blows" really believe for one moment that when a man is found not guilty he is in fact anything but innocent? How many people believe that? Do we not really work on the basis that if a person is found not guilty, as a matter of fact he is not only not guilty but the finding is another expression of the finding that he is innocent? This is what everybody believes and I do not think that any lay person, as we are, should seek to cloud the issue in this regard. I shall say more on this matter later on.

In many cases a person would have absolutely no hope of ever positively proving his innocence. How would one set about that in so many cases? If it is placed as a condition precedent that a person has to prove his innocence for amends to be made, it means that we would not be worried at all over the great amount of money which would have to be shelled out. In any event, very often it is quite an impossibility. So far as this case is concerned, Gouldham has gone as far as an individual could reasonably be expected to go. He has also gone as far as an individual could reasonably be expected to go in establishing innocence.

I turn now to the affidavits to which I have referred. They touch on the event which occurred on the 23rd December, 1966, when Trafford came into the insurance office where Mr. Gouldham was employed. The first affidavit, by Julian Hymanson, was sworn on the 4th May, 1967. I will read it to the House. It says—

> AFFIDAVIT of I, JULIAN HYMANSON of 9 Stuart Street, Greenmount in the State of Western Australia Salesman being duly SWORN make oath and SAY AS FOLLOWS:—
>
> 1. That on the 23rd December 1966 BERNARD KENNETH GOULDHAM requested me to give him a statement of my own wording and in my

own handwriting about two conversations which I heard in his office on that afternoon, those present being myself, Gouldham and VICTOR EMMANUEL TRAFFORD at the first conversation and at the second conversation, the same people together with HARRY LEZER.

2. That the wording of the three-page statement which I wrote out for Gouldham is

J. HYMANSON,
9 Stuart Street,
Greenmount W.A.,
Dec. 23rd. 1966.

To Whom it May Concern -

I Julian Hymanson of the above address was in the office of Mr. K. Gouldham Sales Manager for the F.A.I. Insurance Company at 69 St. George's Terrace, Perth the time was approximately 2.15 p.m. of this date. While I was there discussing insurance business a man I know as VICTOR TRAFFORD called to see Mr. K. Gouldham with reference to insuring a new motor car that belonged to Trafford. Once the insurance business had been completed and after certain small conversation the discussion developed about a previous association between Mr. Gouldham and Mr. Trafford. I was present during the whole of this conversation and therefore I am in the position to confirm the text of same. Without being prompted by anyone. It was clear that Mr. Trafford was in the position of being able to put something right that had taken place in the past for which Mr. Gouldham had served a prison sentence. Trafford conveyed that he had been worried over the events of the past, and was more than willing if at all possible to help in putting matters right as in his own words this being his duty as a citizen. Mr. Trafford went on to say that a Mr. Lee from the C.I.B. had been to see him at work on several occasions and once Mr. Lee was accompanied by another Detective. He did say, that these gentlemen had put words into his mouth, and during the trial was only asked questions that failed to give him (Trafford) the opportunity of exonerating Gouldham. Mr. Trafford readily agreed that a Mr. Sharrett had committed perjury during the trial because Mr. Trafford, Mr. Sharrett and a Mr. Hibble at a meeting with Mr. Gouldham at the house being built by Trafford in January 1961 for a Mr. Sharrett was told during that meeting by Mr. Gouldham that he had received £400 from Mr. Trafford out of his profits. The price of the property being built by Mr. Trafford was £3,200. Mr. Trafford made it very clear that no £400 had been added on to a £2,800 figure and in fact after having paid Mr. Gouldham £400 had made a good profit. Mr. Gouldham said Yes I know you did. There was mention of a letter taken to the house by Mr. Gouldham and the contents of same was discussed at that house. Everybody at that meeting, according to Trafford was fully aware that Mr. Gouldham had received £400. Mr. Gouldham asked Mr. Trafford if anybody had been robbed of £400 and Mr. Trafford without hesitation replied that none had been robbed and that the money had come from him (Mr. Trafford) and was quite happy to have paid the £400. This arrangement was made by Mr. Trafford with Mr. Gouldham previous to formation of a building company because Mr. Trafford was not a holder of an "A" class Builder's license for the metropolitan area. At this stage Mr. Gouldham asked Mr. Trafford if he would be willing to make a statement and go to court re what he had discussed in this office and thereby endeavour to clear his (Mr. Gouldham's) name and Mr. Trafford said he was more than willing. Mr. Gouldham asked if he would repeat the points made during this conversation to a Mr. H. Lezer that State Manager of F.A.I. and Mr. Trafford said he would and this in fact did take place before Mr. Gouldham and myself.

(Sgd.) J. HYMANSON.

P.S. This Statement is made voluntary and I am willing to give evidence on oath if called upon to do so.

J. HYMANSON.

3. That the contents of the above statement are true in every detail.

4. That Lezer left Gouldham's office and Trafford said that he had to do his Christmas shopping and meet his wife so that he was unable then and there to give a written statement as to what he had just told us. He also said that he was not going back to Esperance until early on Tuesday morning and suggested that both Gouldham and I should go to his home over the holidays for a Christmas drink and then he would give Gouldham the written statement, as promised.

5. That on the 24th December 1966 Gouldham telephoned me and told me that his Solicitor Dr. Marian had advised him to get the statement from Trafford in Trafford's own handwriting and that if at all possible that it should be witnessed by one of the people who had heard the conversation in Gouldham's office. Gouldham asked me if I would be the witness to Trafford's signature because I had

in fact been present the whole of the time. I reminded Gouldham of Trafford's invitation but it was obvious to me that although Gouldham was very anxious to get the statement from Trafford, he was not at all pleased at having to spend his time drinking with Trafford.

6. That I offered to get the Statement from Trafford and save Gouldham a long journey from Cottesloe. I assured him that all the points which Trafford had told Lezer and me would be covered and that I would witness Trafford's signature. I also agreed to telephone Gouldham as soon as I had seen Trafford.

7. That on the morning of the 25th December 1966, I telephoned Gouldham and asked him to come over to see me because I could not find Trafford at the address which Gouldham had given me in Harold Street, Bellevue.

8. That Gouldham accompanied by his wife came to my home in the early part of the afternoon and the two of us spent some considerable time driving around the streets looking for Trafford's car. The car was eventually located at 7 Bulbey Street, Bellevue.

9. That Trafford invited Gouldham and myself into the house and we had a drink with his family and some guests who were present. In view of the fact that Trafford had guests we only stayed a few minutes and it was arranged that I should collect the written statement the following morning about 10 o'clock.

10. That the next morning, Boxing Day the 26th December, I called at Trafford's house as arranged and he told me that he had not yet written out the statement but was still willing to do so but that he first wanted to see what he had said in his evidence in the Police Court when Gouldham was charged. We then arranged that I should go back to his home that afternoon and that in the meantime I would contact Gouldham to see if he had a copy of the evidence Trafford had given.

11. That I telephoned Gouldham just after noon and told him what Trafford wanted. Gouldham came over with his wife about two o'clock with the papers and the two of us went to Trafford's house but nobody was at home. We called twice more that afternoon and still Trafford had not returned.

12. That as Trafford had said he was returning to Esperance early next morning, Gouldham and I decided that it would be better to go again to Trafford's home later that night and about 9 p.m. we found him at home.

13. That Gouldham produced a copy of the Police Court proceedings against him and read out Trafford's evidence. Trafford sat by the side of Gouldham on the settee, looking over his shoulder at the papers.

14. That when Gouldham had finished reading the whole of the evidence, Trafford said that he was satisfied and would write the statement out.

15. That Gouldham then requested Trafford to confirm each point which had been discussed on the Friday previously and on which he was willing to give evidence on oath as to the truth.

16. That Gouldham also asked Trafford to confirm in the statement that he (Trafford) and not Gouldham had brought the matter up and also state that Gouldham had expressed his appreciation of Trafford's help and that Gouldham had not in any way influenced Trafford to make the Statement.

17. That Gouldham made a special point of telling Trafford and asked him to confirm it in his statement that Gouldham was not offering any money or bribe and also requested Trafford if he agreed that such was the case that Gouldham had not tricked bullied or pressurised him into making any statement, either verbal or written.

18. That Trafford then took us in to the kitchen where the three of us sat round the table and Trafford wrote in his own words in his own handwriting a statement of seven pages. He numbered and signed each page and I also signed each page and added the date by my signature 26/12/66 and the word "witness".

19. That the Statement written by Trafford was not dictated to him by Gouldham or me and it was not copied from any wording supplied by either Gouldham or me.

20. That when the statement had been completed Gouldham told us both that he would do everything possible to clear his name and Trafford reaffirmed that what he had said and written was the truth and he was more than willing to help Gouldham obtain justice and that he was quite prepared to go to court.

21. That on Sunday 23rd April 1967, Trafford came to my home and told me that he thought that he had just managed to talk his way out of a perjury charge. I understand from him that the police had collected him and taken him to the C.I.B. Headquarters, Perth. He said that he had been there for 5½ hours. He also told me that he had retracted his written

statement given to Gouldham. He also told me that he had also retracted a previous statement given to the police at a previous interview with them and which had confirmed the truth of his statement to Gouldham.

22. That I asked him the reason for doing so and he then told me that the police had said to him that if he persisted in sticking to the statement he would risk a perjury charge, and he did not want to go to gaol as he had a wife and kids to think about.

23. That Trafford then stated that the verbal statements he had given before Christmas and the written statement given to Gouldham were in fact the truth but that he had been forced to withdraw them to avoid the risk of going to prison.

24. That Trafford also told me that he had told the police that afternoon that Gouldham had persuaded him to make the Statement and that he had only given it to him to get rid of us.

25. That Trafford agreed with me that such was not the case and said that he had no other alternative but to do this to save himself from the possibility of serious trouble.

26. That Trafford said he was still sorry for Gouldham but that he would do nothing further to help him clear his name even though he had served a prison sentence and was an innocent man.

27. That the wording of the seven page Statement written and signed by Trafford on the night of the 26th December 1966 and witnessed by me at the time is

> I, Victor Emmanuel Trafford of 24 Bulbey Street, Bellevue and also of Esperance do hereby make this voluntary statement and I am willing to give evidence on oath if called upon to do so. I called in to see Ken Gouldham at his Office in 59 St. Georges Tce. just after lunch on Friday 23rd Dec. 1966 about some Insurance Business. Mr. Julian Hymanson was present all the time. I knew him previously. After the business was completed, I spoke about the trouble Mr. Gouldham had had some 5 years ago when he went to gaol for giving an account to Dick Sharret with intent to deceive him. I was the Builder concerned. I told Gouldham I had been concerned with what had happened to him and it was my duty as a good Citizen to put matter right. I said I had not been the cause of the trouble, and that I knew nothing about what was going on until paid a visit by Dt. Sgt. Lee of the C.I.B. on several occasions. I told Gouldham that Lee had suggested certain things which at the time appeared right to me, and I regretted I was unable to see him at the time and tell him what was happening. I also said that I was not asked any questions during his Trial which would give me the opportunity of proving his innocence. I further stated that Sharret had committed perjury because he knew about the £400's which Gouldham had had out of the Building price of £3200. I had told Sharret that Gouldham himself had told Sharret in Jan. 1961 when a meeting took place, at the house, those present being Sharret, Gouldham, Hibble and myself. At this meeting, Gouldham told Sharret that I had paid him £400 and that it came out of my pocket, and that he (Sharret) had only paid the proper price of £3200, and no money had been added on to the figure of £2800. Sharret was not worried about this and only wanted his house finished quickly. At this meeting Gouldham produced a letter which I had written to him and it was through this that Gouldham arranged the meeting. The £400 arrangement was made by me and in fact offered by me to Gouldham before the Lawley Building Co. was formed. I did not know any of the other members of the Lawley Building Co. until some weeks after the original offer by me to Gouldham. I had to work under a A Class Builders License in the Metro Area to enable me to build. I made a Profit on the deal even after paying £400 to Gouldham and I told him so. At the meeting with Gouldham on 23/12/66 he asked me if I would tell his Manager that I was present when he (Gouldham) had told Sharret in the Jan. 1961 that he (Gouldham) had been paid £400 by me on the Deal and that the £400 was out of my profits and not a sum added on to a figure of £2800. He also asked me if I would tell his Manager that he (Gouldham) had produced a letter at that time and if this letter was discussed.
>
> I said I was willing. Gouldham then introduced me to his Manager Mr. Lezer and I complied with his request and in particular made it very clear that Gouldham had fully disclosed the £400 having been paid by me to him and that Sharret was fully aware of this matter and that Gouldham had made a point of telling Sharret that I had paid the £400 out of

my profits and the Building price of £3200 was the normal price. Gouldham asked me at this meeting on the 23/12/66 if I would give evidence for him if necessary to the effect that I was present at the meeting which Sharret, Hibble and himself and that he (Gouldham) had told Sharret all about the £400 business as had been discussed between us. I said was willing to do this for him because it was in fact what had happened and again I told Gouldham I was concerned about the whole affair and had been over the past years. I would like to make it quite clear that Gouldham as never at any time approached me on the matter and that I opened the subject to him. I know that an injustice has been done and I would like to help to put matters right. Gouldham did not persuade me to make this or the original statement to him, and in fact he pointed out that he was very grateful for my help and that he wanted it made clear to me that he was offering no reward or bribe for my assistance and Gouldham did not bully me into making any statement and I am only to willing to assist in obtaining justice for him as I know he suffered the in-prisonment for something which he did not do.

The statement following the affidavit is signed by V. E. Trafford under date the 26th December, 1966, and witnessed by J. Hymanson. As I mentioned previously, the affidavit was sworn on the 4th May, 1967, before a commissioner of the Supreme Court of Western Australia for taking affidavits. It is certainly the longest affidavit, and members will see that the others fit in with it.

I refer next to an affidavit sworn by Blanche Dora Hymanson on the 11th May, 1967. It reads as follows:—

AFFIDAVIT OF I BLANCHE DORA HYMANSON of 9 Stuart Street, Greenmount in the State of Western Australia Married Woman being duly SWORN make oath and SAY AS FOLLOWS:—

1. That I make this statement voluntarily and I was not requested or persuaded to do so.

2. That a man I know as VICTOR TRAFFORD came to see my husband JULIAN HYMANSON at our home at 9 Stuart Street Greenmount on Sunday 23rd April 1967. I remember the day because it was my son's birthday.

3. That my husband was not at home and I told Trafford that my husband would be home late in the afternoon, and Trafford arranged to call again that night.

4. That about 7 p.m. that same night I answered the front door and I showed Trafford into the lounge where my husband joined him. They were alone.

5. That I was curious as to the reason of Trafford's call as he looked very upset when I saw him each time.

6. That I sat in the room next to the lounge with the door open so that I could hear the conversation between my husband and Trafford.

7. That I heard Trafford tell my husband that he had been at the C.I.B. for hours and that he thought that he had convinced them and had talked his way out of a perjury charge.

8. That I heard Trafford tell my husband that he had withdrawn his previous statements.

9. That I heard my husband ask Trafford why he had done that.

10. That I heard Trafford tell my husband that he had to think of his wife and kids and he did not want to go to gaol for perjury.

11. That I heard my husband tell Trafford that he could not go to gaol for telling the truth.

12. That I heard Trafford then tell my husband that the police had told him that his new Statements were different to his evidence at KEN GOULDHAM'S trial and that if he stuck to what he had said recently and the written statement given to Gouldham he might be up for perjury.

13. That I heard Trafford tell my husband that he was not prepared to go to gaol just to help Gouldham and also that he (Trafford) had used the excuse that Gouldham had persuaded him to make the statement and had only done so to get rid of Gouldham and my husband on Boxing Night.

14. That I heard Trafford agree with my husband that what he had told the Police about the persuasion and getting rid of them was not true and that in fact he had come forward of his own free will to help Gouldham because he said at the time that he had been sorry over what had happened to Gouldham.

15. That I heard Trafford tell my husband that Gouldham should not have gone to gaol and that he knew he was innocent and that perjury had been committed.

16. That I heard Trafford tell my husband that he was sorry for Gouldham but nevertheless he (Trafford) was not prepared to risk a gaol sentence just to help Gouldham.

17. That I heard Trafford tell my husband that everything he had said in Gouldham's office just before

Christmas and which he had confirmed in a written Statement was the truth but that he had no alternative but to withdraw them to save himself.

18. That I heard Trafford tell my husband that he would not now help Gouldham get his name cleared.

19. That I heard Trafford tell my husband that he had no alternative but to withdraw all his Statements.

That was sworn on the 11th May, 1967, before a commissioner of the Supreme Court of Western Australia for taking affidavits. I further quote an affidavit by Harry Lezer, which was sworn on the 29th May, 1967. It reads as follows:—

AFFIDAVIT of I HARRY LEZER of 146 Canning Highway South Perth in the State of Western Australia Insurance Officer being duly SWORN make oath and SAY AS FOLLOWS:—

1. That on the 5th January 1967 whilst I was the Western Australian Manager of THE FIRE AND ALL RISKS INSURANCE CO. LTD. the Sales Manager BERNARD KENNETH GOULDHAM asked me to give him a signed statement in regard to a conversation on the 23rd December 1966 in Gouldham's office, those present at such conversation being in addition to Gouldham and myself, VICTOR TRAFFORD and JULIAN HYMANSON.

2. That I discussed this conversation with Gouldham and then asked him to submit a draft for my approval.

3. That my Secretary typed out the draft which I read over in the presence of Gouldham and I altered some of the wording and then approved the draft.

4. That my Secretary then typed the statement as amended by me and after reading it through very carefully I agreed that the contents were correct and I signed my name and dated each page of the two page statement.

5. That my Secretary S. KIRKHAM also signed her name and dated each page as a witness to my signature.

6. That I gave the statement to Gouldham on the 5th January 1967.

7. That the wording of the statement is:—

I, Harry Lezer of 21 Collins Street, South Perth, state:—

1. I am the Western Australian Manager and B. K. Gouldham is the Sales Manager of The Fire and All Risks Insurance Co. Ltd., 69 St. George's Terrace, Perth.

2. I know that Gouldham has served a term of imprisonment being convicted of giving a false account with intent to deceive a man called Sharrett. It was to do with the building of a house for Sharrett by a man called Trafford.

3. About 2.30 p.m. on the 23rd of December last, Gouldham came into my office and requested me to go to his office as the matter was urgent. I did so and there I saw Mr. Julian Hymanson who has an agency with my Company, and another man. Gouldham introduced him to me as Mr. Trafford the builder of the house for Sharrett.

4. Gouldham told me that Trafford had brought up the matter of his imprisonment and that Trafford had just made a statement to him in the presence of Hymanson which proved that Gouldham had been wrongly convicted. He then explained that he had asked Trafford if he would repeat to me what he had just said before Hymanson and that Trafford had readily agreed to do so.

5. Trafford then told me:—

(a) Gouldham should not have been convicted and gone to gaol.

(b) That he wanted to "put matters right" and that he had been worried about it for a long time.

(c) That a letter which he had written to Gouldham was the reason for the meeting at the Cannington house in the January of 1961 between himself, Gouldham Sharrett and Hibble; the letter was discussed at that meeting.

(d) That Gouldham told Sharrett at that time that the Contract price of £3,200 was the normal price and that £400 had not been added on.

(e) That he heard Gouldham tell Sharrett that the £400 he (Gouldham) had had out of the first progress payment had been paid by him (Trafford) out of his profit on the job.

(f) That he himself had confirmed this to Sharrett at the time and had also told him about the arrangement previously.

(g) That Sharrett was fully aware of Gouldham having had £400 and was not worried.

(h) That the £400 arrangement was made with Gouldham personally and before the Lawley Building Company was formed. He agreed that he did not even know the members at that time.

(i) That he would be willing to make a statement in writing as to the aforegoing and that such was true in every particular and that he would give evidence on oath accordingly so that an injustice could be rectified.

6. Gouldham requested Trafford to tell me that they had never met each other since 1961 and that Gouldham had not contacted him in any way, either directly or indirectly. Also that Gouldham knew nothing until a few minutes previously about Trafford's feelings on the matter and that no reward had been offered by him to Trafford to make any statement. Trafford told me that his statement was entirely voluntary and that Gouldham did not know anything about it until he came into the office "out of the blue".

7. Gouldham thanked Trafford and he was obviously overcome by the unexpected turn of events which he stated would prove his innocence.

8. Trafford then said that he felt that it was his duty as a good citizen to help put matters right.

Witness: S. Kirkham, H. Lezer, 5/1/67.
Date: 5/1/1967.

H. Lezer,
Commissioner for Declarations.

8. That since the 5th January 1967 I have changed my private address and also my place of employment.

9. That apart from the first point in the statement dated 5th January 1967 each other point enumerated namely points numbered two to eight inclusive is true although the first point was true at the time I signed the said statement.

10. That since I gave the signed statement to Gouldham I have been interviewed by Detective-Sergeant Brennan of the Perth C.I.B.

11. That I confirmed to Brennan:—

(i) that I had agreed to the contents of the statement.

(ii) that I had signed my name to the statement.

(iii) that I had met Trafford in Gouldham's office on the afternoon of the 23rd December 1966 when the conversation took place between Trafford, Gouldham and myself in the presence of Hymanson.

(iv) that Trafford had told me either by direct talking to me or by giving his answers to questions asked by Gouldham each of the points enumerated in my statement of the 5th January 1967 as 5 (a) (b) (c) (d) (e) (f) (g) (h) (i), or by Trafford enlarging on certain points raised by Gouldham.

(v) that Trafford did most of the talking and that he had made it very clear to me that he had come forward voluntarily and that Gouldham had not persuaded him to do so.

(vi) that Trafford further stated that Gouldham did not know of his (Trafford's) intention.

(vii) that Trafford stated his reasons for helping Gouldham to me that (a) he knew Gouldham should not have gone to gaol because he was innocent; (b) the fact that Gouldham had gone to gaol had been worrying him (Trafford) for a long time; (c) he felt that it was up to him—his duty as a good citizen to put matters right.

(viii) that Trafford had offered to give Gouldham a written statement confirming all the points of the conversation.

(ix) that Trafford had stated that what he had said was perfectly true and that he was prepared to give his evidence on oath to that effect, so that Gouldham could obtain justice.

12. That during the conversation on the 23rd December 1966, Gouldham requested Trafford to repeat to me particular points which Gouldham said had just been spoken about in front of Hymanson.

13. That these points were stated by Gouldham to be:—

(a) a letter written to Gouldham by Trafford in January 1961.

(b) The actual genuine Contract price of the house.

(c) The amount of the commission.

(d) Whether the commission was discussed at a meeting which was arranged following upon Trafford's letter.

(e) If discussed who by and who was present at the time.

(f) What the amount of the commission was and by whom and to whom was it payable.

14. That Trafford then informed me in accordance with the points as stated in my written statement of the 5th January 1967 and enumerated 5 (c) (d) (e) (f) (h).

15. That during the conversation of the 23rd December 1966 Gouldham pointed out:—

(i) the vital importance of Trafford's statement in regard to Sharrett being told by him (Gouldham) in the presence of Trafford about the £400 being paid by Trafford to him (Gouldham) out of the first progress payment.

(ii) that this statement by Trafford did in fact—

(a) corroborate his own evidence as given at his trial;

(b) establish beyond any doubt that he had not deceived Sharrett and had no intention of doing so;

(c) show that Sharrett had committed perjury.

16. That Trafford then stated that he—

(i) realised the position

(ii) re-affirmed that Sharrett had been told by Gouldham "all about the £400" whilst he (Trafford) was present

(iii) had also confirmed this to Sharrett at the same time.

(iv) heard Sharrett say that he was not bothered about what happened to the money and that his only concern was to get the house finished.

That affidavit was sworn on the 29th May, 1967, before a commissioner of the Supreme Court of Western Australia for taking affidavits. Another affidavit was sworn on the 20th November, 1967, by Desmond Derepas, 13 Southbourne Street, Scarborough, which states—

1. That I am the Western Australian Manager of The Fire and All Risks Insurance Company Limited of 69 Saint George's Terrace, Perth, and on the 29th of June 1967, when I was the acting State Manager of the said Company, I was in the office of the Agency Manager for Western Australia, Bernard Kenneth Gouldham, when a man I know as Victor Emmanuel Trafford came into the office.

2. That the purpose of Trafford's visit was to take out an Employers' Liability Insurance Policy.

3. That a proposal form for this insurance is in my possession and it is dated the 29th of June 1967, and signed by Trafford.

4. That after the insurance business had been completed, Gouldham asked Trafford if it was a fact that when he (Trafford) had been interviewed by the C.I.B., he had withdrawn the verbal and written statements concerning the Sharrett affair and if so, the reason.

5. That Trafford stated that he had seen the police and had withdrawn his statements to protect himself as he did not want to go up for a perjury charge.

6. That Trafford then stated that his previous statements in the office at Christmas time were true and also was his written statement but he was not prepared to go to Court and say so.

7. That Gouldham then told Trafford that it may be possible for the Court to give a Certificate of protection under the Evidence Act and thus enable him (Trafford) to speak the truth and give his evidence without fear of the consequences.

8. That Trafford then said that if he could have this protection, he would then tell any Court that what he had said previously and confirmed in writing in his Statements was the truth because it was in fact the truth, adding again that he had only withdrawn the Statements to protect himself.

That affidavit was sworn on the 20th November, 1967, before a commissioner of the Supreme Court of Western Australia for taking affidavits.

I would now like to quote briefly from an affidavit of one Russell Cox to which I referred previously. I understand it was used at the successful appeal by Gouldham. The copy I have here is a carbon copy and there is no indication that it has been sworn but I have no doubt that it is a sworn affidavit. It reads—

Sworn Affidavit by Russell Cox, 162 St. George's Terrace, Perth in the State of Perth Western Australia, Manager for the Finance Corporation of Australia Limited, in Western Australia.

I will read clauses 5, 6, and 7, which are as follows:—

5. I was concerned at hearing this and I wrote to Mr. R. E. Sharrett and requested him to come to my office to discuss the loan, which he did in the early part of January, 1961.

6. I informed Mr. Sharrett that Mr. Trafford had been in to see me and that I had been told by Trafford that Mr. Gouldham had had £400

> of the first progress payment and that I was concerned about this matter and that was the reason for my requesting his visit.
>
> 7. Mr. Sharrett then informed me about the use of the loan money and he told me that he was aware that Mr. Trafford had given Mr. Gouldham the sum of £400 and that he had discussed the matter of the £400 with Mr. Gouldham.

I would like to refer for a moment to a few excerpts from the opinion of Sir Marcus Gibson. At page 9 he says, when talking about Gouldham—

> He has not, however, established his innocence. If he had stood a new trial the jury might have convicted him; or may have acquitted him because they were satisfied that he was innocent, or because although not satisfied of his innocence they had a reasonable doubt of his guilt.

It will be noticed that he is said not to have established his innocence. I hope members will bear that in mind, because I now propose to refer to part of Mr. Dodd's declaration about whether or not he was innocent. At paragraph 18 Mr. Dodd says—

> That I repeat my opinion that if all the material contained in the said affidavits had been known to me before the trial then the proceedings would have been terminated before the trial.

Mr. Jamieson: The Minister for Industrial Development is not too keen on this.

Mr. Court: I have listened to it.

Mr. BERTRAM: Sir Marcus Gibson continues—

> The basis of the appellant's present claim cannot, therefore, be that his innocence is established. What he must rely on is the fact that it has been determined by the Court of Criminal Appeal that a miscarriage of justice occurred in his trial.

Once again I would refer members to paragraph 18 of Mr. Dodd's sworn declaration which I have just read. That deals with the matter effectively. I would now like to quote again from the opinion of Sir Marcus Gibson at page 10.

I feel sure this will be quite interesting even to those who perhaps have not listened to the story right through. It is interesting from the standpoint of what has happened in Australia and in the world.

At page 10 Sir Marcus said—

> Guidance on the matter of state compensation for miscarriage of justice is not readily forthcoming. Neither English nor Scottish law recognises any legal right to compensation in such case; nor, so far as I am aware, does the law of any of the Australian States or of New Zealand. *Ex gratia* payment of compensation for a miscarriage of justice must be rare in Australia. I have ascertained from the Victorian Crown Solicitor that neither he nor his predecessor in a total period of fifteen years' service in that office recalls any such case, and enquiries he has made from the Victorian Under Secretary, the Secretary of the Law Department and the Treasury have not produced a record of any.
>
> The situation in New South Wales is, I find, much the same as in Victoria. The only case of an *ex gratia* payment in that State in recent years is that of McDermott, who had served some years of a life sentence for murder. A Royal Commission reported that the identification evidence on which he was convicted was unsatisfactory (as in the cases of Beck and Slater). McDermott was released and was paid £1000 compensation.

In reference to that Sir Marcus said there were rare precedents. We all hope and we all believe that this is so, but is not the case I have just mentioned a classic precedent? McDermott was, in fact, given compensation of £1,000. All that happened in that case was—I quote the words again —that the identification evidence on which he was convicted was unsatisfactory.

People can understand that errors of identification occur. They are comparatively rare, but there are many cases in which these errors have occurred. A person can make a *bona fide* slip by way of identification. When that occurs we do not hold it against the person. Such a person might get into the witness box and give a wrong identification, with no error on the part of the Crown and no blameworthiness on the part of the people we are representing here.

Is not the Gouldham case much stronger than that? Is this not a precedent which justifies payment of some compensation to Gouldham, even forgetting for the moment Gouldham's innocence? I believe it is.

There is a further interesting comment which I feel I must read. Sir Marcus said at page 12—

> In 1938 the United States Congress passed an act in terms similar to those proposed in the author's suggested draft bill, which is itself similar in content to a corresponding provision in the French Code of Criminal procedure (Code de Procédure Pénale, art. 516). The act of Congress provides that—
>
> > Any person who, having been convicted of any crime or offense against the United States and

> having been sentenced to imprisonment and having served all or any part of his sentence, shall hereafter, on appeal or on a new trial or rehearing, be found not guilty of the crime of which he was convicted, or shall hereafter receive a pardon on the ground of innocence, if it shall appear that such person did not commit any of the acts with which he was charged or that his conduct in connection with such charge did not constitute a crime or offense against the United States . . . and that he has not, either intentionally, or by wilful misconduct, or negligence contributed to bring about his arrest or conviction, may . . . maintain suit against the United States in the Court of Claims for damages sustained by him as a result of such conviction and imprisonment.

That was what happened in the United States of America. I mention that for the information of members. I think they could spend a few moments reading not only the references I have given, but also a few of the other references.

Finally, I read from page 13 of Sir Marcus' opinion, and I would like a particular note to be made of this—

> The United Nations text on the Right to a Fair Trial in Criminal Proceedings as a Human Right originated in the United Nations Commission on Human Rights and was unanimously adopted by the Third Committee of the General Assembly in 1959. In relation to compensation for wrongful conviction it reads:
>
> > When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

I certainly hope that members will listen to this carefully, because Sir Marcus went on to say—

> This provision is discussed by Mr. David Harris in the International and Comparative Law Quarterly (1967) Vol. 16, pp. 372-375. Its terms seem literally to fit Gouldham's case. It was the subject of prolonged discussion and divided opinion before its adoption. The arguments raised against the inclusion of the right at all were:

He went on to state the pros and cons. Perhaps I should read the following:—

> (1) that it was better to leave the question of compensation as a matter for administrative discretion rather than crystallise it into a precise legal obligation (this was the statement of the U.K.);
>
> (2) that although the need for compensation in an appropriate case was not denied, the determination of what is an appropriate case is often dependent upon intangible factors which it is not practicable to set down in a legal text; that the right of appeal minimises the likelihood of real injustice and that on the rare occasions when injustice might occur the possibility of administrative action is a sufficient remedy (comment of the delegate of Australia); and
>
> (3) that the right is not of sufficient importance in the light of the amount of compensation normally awarded, to justify inclusion in a text guaranteeing basic rights.

That was the comment by the delegate of the United States. Nobody really argued about the concept; they were all for it. The question simply was the manner in which it should be implemented. To continue with the quote—

> Those supporting the inclusion of the right took the position that where a miscarriage of justice results in the wrongful deprivation of property there is no reason why compensation for such deprivation, which is recognised in other contexts, should not be paid and where it gives rise to a deprivation of personal liberty the existence of a legal right to compensation would serve to complement the right already allowed by the United Nations Draft Covenant for deprivation of liberty in other circumstances.
>
> This text is, of course, not law, whatever effect it has is persuasive only.

My comment is: What persuasion? Can we get any greater form of persuasion than world opinion in the highest forum of mankind?

Towards my conclusion, I propose to read the statutory declaration to which I have referred; that is, that of Alan Jabe Bona Dodd, which was made on the 2nd October, 1970. It reads—

Western Australia
The Evidence Act, 1906
Statutory Declaration

I, Alan Jabe Bona Dodd of 109 Flinders Street, Mount Yokine in the State of Western Australia, Assistant Reader do solemnly and sincerely declare as follows:—

1. That in the year 1961 I was the Chief Crown Prosecutor in this State and I prosecuted Bernard Kenneth Gouldham under Section 532 of the Criminal Code.

2. That the jury convicted the said Bernard Kenneth Gouldham and he was duly sentenced.

3. That in 1963 Mr. D. F. Connor a solicitor for the said Bernard Kenneth Gouldham produced a transcript of a conversation between his client and one Richard Eric Sharrett. Mr. Connor also played a tape recording to me of that conversation. He sought my assistance to institute proceedings or obtain the intervention of the Minister for Justice.

4. That after duly considering this material I refused to act.

5. That subsequently following a complaint by the said Bernard Kenneth Gouldham to the Criminal Investigation Branch, an officer of that Branch sought my advice. This was in 1964 and my opinion was unchanged.

6. That on the 7th December, 1965, the said Richard Eric Sharrett was committed for trial on a charge of perjury on the complaint of the said Bernard Kenneth Gouldham.

7. That in the month of March 1966 I perused the Depositions relating to the above charge against the said Richard Eric Sharrett and I advised the Minister for Justice that the Crown should not proceed. On behalf of the said Minister, by letter dated the 9th March 1966, I advised the solicitors of the said Bernard Kenneth Gouldham of the Minister's decision.

8. That early in the month of January 1967, the then Solicitor-General, Mr. F. H. GOOD Q.C. advised me that the then President of the Law Society of Western Australia, the late Mr. JOHN DEWAR had interviewed the said Bernard Kenneth Gouldham and that Mr. Dewar was disturbed because of certain written statements which the said Bernard Kenneth Gouldham had produced, such statements having been made by witnesses at Gouldham's trial. I did not see these statements and I believe I then was absent on holiday. I was informed that the reason for Mr. Dewar being disturbed was that he believed in view of the said statements, the said Bernard Kenneth Gouldham was innocent.

9. That in April 1967 I became aware that VICTOR EMMANUEL TRAFFORD a witness at the trial of the said Bernard Kenneth Gouldham, had in the presence of witnesses made oral and written statements that his evidence at the said trial of Gouldham was inaccurate with regard to material facts, particularly as to the witness Richard Eric Sharrett's knowledge that Bernard Kenneth Gouldham had deducted the sum of £400 from the first progress payment. I subsequently read a report by Detective Sergeant BRENNAN to the effect that the said Victor Emmanuel Trafford had retracted his written statement and I concurred that no action by the Crown should be taken.

10. That on the 1st November 1967, I resigned from the Crown Law Department and commenced in private practice. Shortly afterwards, the said Bernard Kenneth Gouldham consulted me and at first I declined to act on his behalf in any way.

11. That subsequently I read the statements referred to herein and also Affidavits from HARRY LEZER, JULIAN HYMANSON, DORA BLANCHE HYMANSON, DESMOND DEREPAS and the said Bernard Kenneth Gouldham. The date was late in December, 1967.

12. That the effect on me was dramatic after studying same and for the first time I was convinced that the said Bernard Kenneth Gouldham should not have been convicted and that in fact he was innocent of the charge referred to herein.

13. That as a result of the aforegoing I discussed the case with the then Chairman of the Legal Aid Committee of the Law Society of Western Australia, Mr. R. E. JONES.

14. That on the 16th February I wrote a letter to the Secretary of the Law Society of Western Australia, and copy of which is annexed hereto and marked with the letter "A".

I will read that exhibit "A" now. It is a letter on Mr. Dodd's legal letterhead and bears the date the 16th February, 1968. It is addressed to the Secretary of the Law Society of Western Australia and reads as follows:—

Dear Sir,

I enclose herewith 6 copies of a statement made by Bernard Kenneth Gouldham. I also enclose the exhibits referred to in the statement.

I undertook to prepare this material for Mr. Gouldham but I advised him that I could not properly act as counsel in the matter, as I prosecuted for the Crown.

On his behalf I request that this matter be considered by the Legal Aid Committee as in my view the statement and supporting documents indicates clearly that Victor Emmanuel Trafford knowingly gave false evidence at Mr. Gouldham's trial.

On his behalf I ask that Counsel's opinion be obtained as to the likelihood of a successful application being made under Section 720 of the Criminal Code.

Following Mr. Gouldham's conviction a sequestration order was made against him in bankruptcy and he is still undischarged. As a result he lost all his assets. He has since progressed to a responsible position with the Fire and All Risks Insurance Company Limited but he cannot afford to pay the costs involved in obtaining the services of a solicitor or counsel. He is quite willing to disclose all his financial affairs and to contribute as much as he is able towards any costs to be incurred.

The basis of his application is that he was wrongly convicted of the charge and that his conviction resulted to a material extent from Trafford's evidence.

The basis of the original charge was that the account he rendered to one Sharrett was false and intended to deceive. It is clear on the affidavit and his written and oral statements of Trafford that the information in the account was known to Sharrett and therefore there was no intent to deceive. In these circumstances I commend this application as being one which should be given real consideration.

As the issues involved are quite complex I suggest that this application is one where your committee may well wish to interview Mr. Gouldham to be informed of the complete background and also to be assured of his *bona fides*. Whilst, incidentally, a successful prosecution of an indictment against Trafford may establish the fact that he was wrongly convicted and thereby prove his innocence, I feel that it is equally as important to demonstrate that the offence of perjury will at all times be strenuously prosecuted so as to preserve confidence in the administration of justice.

Yours faithfully,

ALAN J. DODD.

The following is the remainder of the declaration:—

15. That I have also read an Affidavit of Russell Cox concerning the said Richard Eric Sharrett's knowledge of the £400 hereinbefore mentioned.

16. That in addition to the facts disclosed in the abovementioned Affidavits I have perused the statement of Richard Eric Sharrett, such statement being dated the 5th June, 1961, and which statement was not produced by me to Gouldham's Counsel. I have also carefully perused the Building Contract dated the 28th June, 1960, and being Exhibit number eight at the trial of Gouldham. I have also studied the evidence given by the said Richard Eric Sharrett at the committal proceedings against Gouldham in relation to the charge. These documents clearly show that on the 28th June, 1960, the said Bernard Kenneth Gouldham was not the agent for the said Richard Eric Sharrett in relation to the Building Contract and that no such relationship existed thereafter.

17. That it was an essential ingredient of the charge against the said Bernard Kenneth Gouldham that the said Gouldham was the agent of the said Richard Eric Sharrett on the 14th February, 1961.

18. That I repeat my opinion that if all the material contained in the said Affidavits had been known to me before the trial then the proceedings would have been terminated before trial.

19. That my opinion is unchanged that no person could fairly reach a conclusion as to Bernard Kenneth Gouldham's right to payment of compensation or an *ex gratia* payment without being informed of the facts referred to by me in this declaration and also informed of the facts disclosed in the Affidavits referred to by me in the said declaration. And I make this solemn declaration conscientiously believing the same to be true and by virtue of Section 106 of the "Evidence Act, 1906".

DECLARED AT PERTH
IN THE STATE OF WESTERN AUSTRALIA
THIS SECOND DAY OF OCTOBER, 1970,

ALAN J. DODD.

BEFORE ME:

A. C. BEILBY,
Commissioner for Declarations.

If one looks at the opinion of Sir Marcus Gibson one will find he expresses the view that Gouldham's only hope for amends,

compensation, or *ex gratia* payment—we all know what we are talking about—is if he can show his innocence.

I have already said that I do not accept this situation at all because I believe, as most people do, if one is not guilty one is innocent, and that is it. However, as Mr. Dodd points out, if Sir Marcus had this material before him—and it could have been put before him even if we had to put it in an envelope and send it to some undisclosed destination—would he not have come to the same conclusion as the former Chief Crown Prosecutor?

We now claim there is ample reason, as the motion indicates, to justify the Government reconsidering the question. As I have tried to point out, the fact of Gouldham being found not guilty ought to be enough. For those who think that is not enough—and in this we seem to be out on a limb in the spectrum of world opinion—then let these documents be read. Let us belatedly and reluctantly show to the people of Western Australia that Gouldham is innocent, and make amends. That is all I ask.

It seems to me that in recent times people from the political sphere have shown a sudden interest in the young people. I imagine they will show a greater interest in the months and years ahead. It seems to me that the young people are protesting because they hear a lot of words about democracy and what is fair and proper and what should be done, but when they look about them they are unable to see the manifestations of those words.

If we are not careful this view will extend to the Parliament. If, in Parliament, we talk about democratic principles and fair dealings, and if we get a basic case in which to manifest what we express, then we should take some action or we will certainly lose the confidence of the young people. The young people are not always wrong, and I certainly do not say that they are always right; but that is something of a digression. Here we have the opportunity not only to show the young people what is right, but to show all the people what is right: that one does not merely become enmeshed in the establishment — the administration — but that if one makes out a case one has a chance that people in authority will listen. If those people in authority, having listened to that case, will grant a person his just and proper deserts, that is all I have ever asked for. I have asked for no more, and I certainly trust that the House will carry the motion and before long proper amends will be made so that we can forget this business once and for all.

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

House adjourned at 10.26 p.m.

Legislative Council

Thursday, the 8th October, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (15): ON NOTICE

1. MINING

Temporary Reserve No. 2686

The Hon. W. F. WILLESEE, to the Minister for Mines:

With reference to Temporary Reserve No. 2686, will the Minister supply the following information:—

(a) has Reserve No. 26890, National Park at Tunnel Creek, ever been declared by the Governor open to mining;

(b) if so, on what date was the notice gazetted;

(c) during each of the periods—

(i) July, 1967, to June, 1969; and

(ii) July, 1969, to June, 1970—

were the terms and conditions of the Temporary Reserve ever applicable to the National Park at Tunnel Creek;

(d) are such terms applicable to the area referred to in (c) at the present time?

The Hon. A. F. GRIFFITH replied:

(a) No.

(b) Answered by (a).

(c) Temporary Reserve 2686H was created on the 21st March, 1963 and National Park Reserve 26890 was created on the 19th July, 1963. Therefore, the Temporary Reserve was in existence prior to the Land Act Reserve, and no conditions were required as the land was Crown Land under the Mining Act at that time. However, to protect Reserve 26890 it was subsequently excised from the Temporary Reserve in 1968 when application for renewal was dealt with.

(d) Answered by (c).

2. *This question was postponed.*

3. EDUCATION

Gosnells Primary School

The Hon. J. DOLAN, to the Minister for Mines:

(1) Does the Government intend to add the third room to the first section of the cluster classrooms